

UNIVERSITY POLICY

Policy Name:	Alcohol and Other Drugs Policy for Students (this policy applies only to students)				
Section #:	10.2.14	Section Title:	Student Academic Regulations & Policies	Formerly Book:	60.1.13
Approval Authority:	Senior Vice President for Academic Affairs		Adopted:	5/1975	Reviewed: 9/21/2016
Responsible Executive:	Senior Vice President for Academic Affairs		Revised:	5/1984; 9/22/2014; 9/21/2016	
Responsible Office:	Office of Student Affairs		Contact:	Office of the Vice Chancellor for Student Affairs at (848) 932-8576	

1. Policy Statement

This policy applies to all students enrolled at Rutgers University as defined in Subsection 6.II.L.

2. Reason for Policy

Rutgers, The State University of New Jersey is committed to providing a healthy and safe campus environment. The policy states the university's expectations regarding the use of alcohol and other drugs by students and students' responsibilities and obligations in using alcohol and other drugs. Additionally, the policy serves to express, describe, and articulate compliance and obligations with state and federal laws.

3. Who Should Read this Policy

All members of the Rutgers University community.

4. Resources

University Policy 10.2.11, Code of Student Conduct
 University Policy 40.2.9, State Accounts
 University Policy 60.1.11, Alcohol and Other Drugs Policy (for employees)

Alcohol and Other Drug Assistance:

Camden: 856-225-6005
 Newark: 973-353-1236
 New Brunswick: 848-932-7884
 RBHS: 973-972-6388

Executive Director of Dining Services: 848-932-8040

Health Promotion/Education:

Camden: 856-225-6005 (Health Promotion)
 Newark: 973-353-1256 (Health Promotion)
 New Brunswick: 848-932-1965 (Health Outreach, Promotion, and Education)
 RBHS: 973-972-6388

New Jersey Division of Alcoholic Beverage Control: 609-984-2830

Office of the Ombudsperson for Students: 848-932-1452

Rutgers Police Department:
Camden: 856-225-6111
Newark: 973-353-5111
New Brunswick: 732-932-7211
RBHS: 973-932-6393

5. **Definitions**
See Section II.

6. **The Policy**

I. **Overview**

- A. As an institution of higher education, Rutgers, The State University of New Jersey is dedicated to providing the best academic experience possible for all students in a campus environment that maximizes their ability to succeed. Throughout its history, Rutgers has been committed to sustaining an academic culture that both respects individual freedom and promotes the health, safety, and well-being of all members of the university community. The adverse consequences of the misuse and abuse of alcohol and other drugs represents one of the most serious problems on university campuses today. Thus, we take seriously our commitment to maintaining a healthy and safe campus environment that includes the regulation of alcohol and other drugs. We are committed to an environmental management approach that includes education, prevention, intervention, enforcement, treatment, and recovery support.

When students choose to accept admission to Rutgers University, they accept the rights and responsibilities of membership in the university's academic and social community. The university expects all members of the community to take responsibility for their own actions and to act to reduce risks of damage and harm to themselves and to others. Moreover, the university expects every member of our community to use good judgment, common sense, and compassion for one another.

The misuse and abuse of alcohol and other drugs constitutes a threat to the educational mission of the university. Rutgers seeks to provide an environment that reduces or eliminates the adverse consequences of alcohol and other drug misuse and abuse on individuals, groups, and the university as well as respects the rights of those who choose not to consume alcohol or other drugs for any reason. This includes encouraging healthy lifestyles that prevent and discourage underage drinking. Thus, specific procedures have been developed for the use of alcohol and other drugs and will be strictly enforced.

Awareness of this policy is an important component of reducing harm. All members of the university community are responsible for being fully aware of the requirements of university policies related to alcohol and other drugs as well as local, state, and federal laws regarding alcohol and other drugs as outlined in Sections 6.III and 6.IV of this policy.

The university is committed to raising awareness about the potential negative consequences of alcohol and other drug use including substance use disorders. Education is an intrinsic component of the university's commitment to reduce or eliminate the harm caused by excessive alcohol and other drug use. In addition, the university recognizes that addiction is a treatable illness and encourages anyone who may have a substance use disorder to seek treatment. This policy is not designed to be punitive for students seeking treatment. Comprehensive health education and mental health services for students (including alcohol and other drug treatment) are provided on all university campuses. This policy should not be a barrier to students getting help for themselves or for other students.

B. **Scope**

This policy shall apply to all students, as defined in Subsection 6.II.L. This policy shall apply to conduct that occurs on property under the jurisdiction of Rutgers as defined in Subsection

6.II.B, at university sponsored activities as defined in Subsection 6.II.N, and at events where students are representing the university. Individual university units may develop additional regulations pertaining to their specific jurisdictions that are more restrictive than those set forth in this policy. In all instances, however, this policy is the minimum university standard.

II. Definitions

- A. *Alcoholic beverage*: Any liquid beverage containing at least one (1) percent of alcohol by volume, including methyl and isopropyl alcohol that is not intended for human consumption.
- B. *Area under the jurisdiction*: Includes all on- and off-campus property owned, occupied, leased, or used by Rutgers or a recognized student organization. This includes all campuses, research sites, and leased indoor and outdoor spaces or spaces occupied with a user permit, license, or contract for the conduct of performing university business.
- C. *Controlled substance*: A drug or chemical substance whose possession and use are controlled by Title 21, Section 812, Schedules I through V of the United States Code (also known as the "Controlled Substances Act"). This includes, but is not limited to, narcotics, depressants, hallucinogens, stimulants, and other substances commonly or collectively known as "illicit drugs."
- D. *Illicit drug*: A type of controlled substance that is imported, grown, or manufactured illegally. This includes, but is not limited to, heroin, cocaine, amphetamines, ecstasy, marijuana, methamphetamine, and LSD.
- E. *Legally prescribed medication*: Includes drugs prescribed by a licensed practitioner and over-the-counter drugs that have been legally obtained and are being used in the appropriate amount solely by the individual and for the purpose for which the medication was prescribed or manufactured.
- F. *Manufacture*: The production, preparation, propagation, compounding, conversion, or processing of a controlled substance or alcohol. This does not include manufacturing for the intended purpose of scholarly research.
- G. *Medical marijuana*: The use of cannabis or marijuana, including constituents of cannabis, THC and other cannabinoids, as a physician-recommended form of medicine or herbal therapy.
- H. *N.J.S.A.*: New Jersey Statutes Annotated.
- I. *Other drugs*: Controlled substances and tobacco (including electronic smoking devices).
- J. *Possession*: Knowing or intentionally possessing a controlled substance and/or having direct physical control over a controlled substance. This does not include possession for the purpose of scholarly research.
- K. *Sponsoring*: The hosting of an official activity on behalf of the university or a unit of the university.
- L. *Student*: Any person for whom the university maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his/her degree from the university. The term student may also include any person who is a non-matriculating student.
- M. *Student organization*: Any identified group of students who have complied with the formal requirements for university recognition and affiliation and have registered for affiliation with the university.

- N. *University sponsored activity*: Any academic, co-curricular, extra-curricular, or other activity on or off campus, which is initiated, aided, authorized, or supervised by a student organization.
- O. *Under the influence/impairment*: Defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one's speech, being argumentative, or being incapable of performing the functions typically associated with being a student, and when such conduct is reasonably related to a student's use of alcohol or controlled substances.

III. Compliance with Federal Law and State Statutes

- A. The sale, provision, serving, possession, and consumption of alcoholic beverages on the Rutgers campuses are regulated by federal and state laws and by local ordinances. All members of the university community are obligated to obey these laws, regulations, and ordinances. The university does not have the authority to alter the laws or secure exemption from them. Members of the university are individually responsible for determining how applicable laws, regulations, and ordinances apply to them, and for obeying them.
- B. As an institution of higher education and an employer, Rutgers is obligated to abide by and enforce provisions in the Drug-Free Workplace Act of 1988, Drug-Free Schools and Communities Act, Smoke-Free Air Act, and State of New Jersey Statutes.
- C. Medical marijuana, while legally permitted in New Jersey, is prohibited on Rutgers campuses due to provisions in the Drug-Free Schools and Communities Act.
- D. University police officers, in the performance of their duties as assigned, are exempt from relevant provisions of this policy in specific situations and are regulated by state law and departmental policy.

IV. Expectations for Students

All members of the university community are encouraged to contribute to a culture of responsible, safe, and legal substance use; support and respect those who choose not to use alcohol and/or other drugs; and avoid dangerous drinking or other drug use and their resulting negative consequences.

A. Legal Restrictions

1. No person shall offer, serve, or make available any alcoholic beverage to a person under the legal age for consuming alcoholic beverages. This section does not apply to a parent or guardian of an underage person, if the alcoholic beverage is consumed for religious observance, ceremony, or rite (N.J.S.A. 2C:33-17).
2. No member of the university community under the legal age to purchase alcoholic beverages may acquire, possess, or consume alcoholic beverages on any university property or at any university sponsored event (N.J.S.A. 2C:33-15).
3. No member of the university 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). (See Subsection 6.V.C)
4. A person under the age of 21 shall not enter any premises licensed for the retail sale of alcoholic beverages for the purposes of misrepresenting his/her age to purchase an alcoholic beverage (N.J.S.A. 33:1-81).
5. No member of the university community shall knowingly possess or exhibit a document or other writing which falsely purports to be a driver's license, birth certificate or other

document issued by a governmental agency and which could be used as a means of verifying a person's age or other identifying information (N.J.S.A. 2C:21-2.1).

6. No member of the university community shall use the personal identifying information of another to illegally purchase an alcoholic beverage or obtaining tobacco (N.J.S.A. 2C:28-7).
7. No person, regardless of age, may consume or possess an open container of an alcoholic beverage in a motor vehicle (N.J.S.A. 39:4-51a; 39:4-51b).
8. Open containers of alcohol in public areas are subject to municipal ordinances and penalties vary depending on where the campus is located: Camden (Ordinance 129-22); Newark (Ordinance 20:2-7); New Brunswick (Ordinance 9.04-202).
9. No member of the university community may possess, manufacture, distribute, or use drugs, narcotics, or controlled substances and/or paraphernalia containing evidence of such substances on university property except as expressly permitted by law (New Jersey Controlled Dangerous Substance Act; N.J.S.A. 24:21-1 et seq.; 2C:35 and 2C:36, generally; Federal Controlled Substances Act).
10. No member of the university community may distribute or sell prescription drugs to another unless licensed by law to prescribe medication (N.J.S.A. 2C:35-10.5).
11. Smoking of tobacco products and the use of electronic smoking devices is prohibited in any portion of a building that is owned and operated by Rutgers, The State University of New Jersey (N.J.S.A. 26:3D-17). This includes classrooms, lecture halls, auditoriums, residence halls, gymnasiums, playing fields, and other recreational areas. Smoking is also prohibited in all university-owned or leased vehicles. In addition, smoking and the placement of ash urn receptacles is prohibited in areas deemed to be main entrances to buildings owned and operated by the university. (Section 20.1.22, No Smoking Policy).
12. Driving Under the Influence [DUI] of intoxicating liquor, narcotic, hallucinogens, or habit producing drugs may include the following penalties: fines, fees, and surcharges; license suspension; ignition interlock device; jail time and/or community service (<http://www.state.nj.us/mvc/Violations/dui.htm>). Additional penalties may be assessed for DUI under the age of 21 (N.J.S.A. 39:4-50.14).

B. Helping Others in Need of Medical Assistance

The University encourages all members of our community to help others who are in need of medical assistance due to excessive consumption of alcohol or other drugs by calling 9-1-1.

1. A New Jersey statute (referred to as "Lifeline Legislation") grants immunity from legal penalties when: (1) an underage person calls 9-1-1 and reports that another underage person is in need of medical assistance due to alcohol consumption; (2) the underage person who called 9-1-1 provides his/her name to the 9-1-1 operator; (3) the underage person is the first person to make the 9-1-1 report; (4) the underage person who made the 9-1-1 call remains at the scene with the person under the legal age in need of medical assistance until assistance arrives and cooperates with medical assistance and law enforcement personnel on the scene. The underage person who received medical assistance and others applicable by law are immune from legal penalties (N.J.S.A. 2C:33-15).
2. An additional New Jersey law called the "Overdose Protection (Prevention) Act" provides immunity from legal penalties, under certain circumstances, for persons seeking medical assistance for someone experiencing a drug overdose (N.J.S.A. 2C:35-30 and 2C: 35-31).
3. New Jersey law allows a police officer to take people found to be intoxicated in public to a medical facility (N.J.S.A. 26:2B-16).

V. Alcohol at University Sponsored Activities (as defined in Subsection 6.II.N)

At events where it is determined that it is appropriate and permissible to serve alcohol, the use of alcoholic beverages at social functions on the Rutgers campuses is restricted to those functions open to members of sponsoring departments/organizations and their invited guests where service of alcohol is restricted to those of legal drinking age as defined by pertinent New Jersey Statutes. Such functions must be restricted to areas designated by the deans, chancellors, or vice presidents. In all cases, state laws governing the dispensing of alcoholic beverages must be observed. The University is dedicated to fostering a healthy social environment for everyone who lives, works, visits, and learns on our campuses. Each member of the university community shares responsibility for its members' collective health and safety. In addition, the university expects its members and visitors to take responsibility for their own actions; to demonstrate respect and regard for the rights, property, and person of all individuals; and to act to reduce risks of damage and harm to both themselves and to others.

- A. Anyone serving alcohol must refuse the distribution of alcohol to any person who appears to be intoxicated, inebriated, or impaired due to alcohol consumption.
- B. In addition, the following items are mandatory for events sponsored by student organizations and strongly recommended for events that are sponsored by university departments/units if students are invited to attend the event:
 1. The use of alcoholic beverages is restricted to members of sponsoring organizations/departments and their invited guests.
 2. Alcoholic beverages are sold, served, and consumed in a physical setting that is conducive to control and reasonable privacy and in an area designated by the relevant Chancellor or Vice Chancellor (or designee). Attendees may not remove alcoholic beverages from this setting.
 3. At least one representative of the sponsoring organization/department is designated to ensure compliance with this policy and monitor the distribution of alcohol. This person must be certified by a nationally recognized educational/training program such as TIPS (Training for Intervention Procedures) or TAMS (Techniques of Alcohol Management). A licensed bartender may be hired to monitor the distribution of alcohol, but a TIPS/TAMS certified representative of the sponsoring organization/department must be present to ensure compliance with this policy.
 4. There is an adequate mechanism in place to properly identify of-age drinkers (i.e., verification of picture identification). If it is anticipated that a significant proportion of the attendees will be under the age of 21, a systematic procedure must be used to check IDs and to clearly indicate those of legal age to purchase or be served alcohol (e.g., a single access to the event location monitored by trained personnel checking IDs and issuing wrist bands to those who are age 21 and over).
 5. No alcohol is consumed as part of a competition such as drinking games or chugging contests.
 6. A varied and equal quantity of nonalcoholic beverages is provided.
 7. Food in sufficient quantity for the number of persons present and the amount of alcohol to be served or sold is provided.
 8. Invitations include the name of the sponsoring organization/department. If alcohol is mentioned in the invitation, the availability of nonalcoholic beverages and food also must be included.

9. If punch or another pre-mixed beverage that contains alcohol is permitted to be served in the location of the event, it must be clearly labeled as containing alcohol.
 10. The sale or service of alcohol is discontinued within a reasonable period of time prior to the anticipated end of the event.
 11. At the end of the event, any alcoholic beverages in open containers are disposed of properly (e.g., poured down a drain) by the event sponsors or by the vendor hired to provide the alcoholic beverages. Any unopened containers of alcoholic beverages are returned to the place of purchase or stored in a secure location for use at a future event. In no case may attendees or sponsors take home any alcoholic beverages purchased for the event.
- C. Any university sponsored activity where alcohol is served and money is collected from the attendees (prior to or at the event) requires a Social Affair Permit from the New Jersey Division of Alcoholic Beverage Control (<http://www.nj.gov/oag/abc/index.html>). Permit applications must be signed by the appropriate official on each campus:
1. Camden: Associate Chancellor for Student Affairs
 2. Newark: Associate Chancellor for Student Life
 3. New Brunswick: Executive Director of Dining Services
 4. RBHS: Executive Director of Dining Services
- Alternatively, an outside vendor with a license to serve or sell alcohol may be hired.
- D. Unless otherwise prohibited by school, campus, department, student government, or funding board regulations or restrictions, student activity funds and admission fees may be used to purchase alcoholic beverages in connection with a sponsored event if approved by the senior Student Affairs professional on a campus (or designee) or appropriate School official (or designee).
- E. Per University Policy 40.2.9 State Accounts, and Circular, State of New Jersey, Department of the Treasury, Office of Management and Budget, No.: 06-14-OMB, departmentally allocated state funds may not be used for the purpose of purchasing alcoholic beverages.
- F. University officials may terminate an event at any time if there is a violation of state or municipal laws or university policies. Disorderly persons or those under the influence/impairment or alcohol or other drugs may be removed from the event by law enforcement personnel or other university officials.

VI. Compliance with the University Code of Student Conduct

- A. Individuals and/or student organizations that fail to abide by university policy and regulations governing the use of alcoholic beverages and other drugs may be subject to disciplinary actions in accordance with established procedures at department, school, and university levels. Failure to abide by the provisions of this policy may result in the denial of permission to use university property and/or funding for future events, as well as other disciplinary and/or legal procedures as appropriate, including suspension or expulsion from Rutgers University.
- B. Student organizations are collectively responsible for any action committed by their members, on behalf of the organization, that violates this policy. Disciplinary action against student organizations is separate from action taken against individuals. Facts of an incident may necessitate action against both a student organization and the individual members of that organization who were found to have violated this policy.
- C. The following are considered violations under the University Student Code of Conduct:
 1. Unlawfully possessing or using drugs, narcotics, controlled substances, or paraphernalia;

2. Selling, transferring, or exchanging something in return for narcotics, prescription medications, or illegal substances on university property or between members of the university community;
 3. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance;
 4. Possessing or consuming alcohol under the legal drinking age in New Jersey;
 5. Providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to insure that the person is of legal drinking age in New Jersey;
 6. Possessing alcohol in areas of campus where alcohol is not permitted;
 7. Possessing or using medical marijuana on a Rutgers University campus; and
 8. Sharing medical marijuana with individuals who do not have a medical marijuana prescription.
- D. Disciplinary Fines may be imposed for alcohol and drug violations of the Code of Student Conduct.
- E. Specific penalties for individuals found responsible for violations can be found in the University Code of Student Conduct (<http://studentconduct.rutgers.edu/university-code-of-student-conduct>).

VII. Medical Amnesty from University Code of Student Conduct Violations

- A. Students who seek emergency medical attention for themselves for a condition related to consumption of alcohol will not be charged with related violations of the Rutgers University Code of Student Conduct ("UCSC"). "Related violations" include those set forth in Section VII, J.

For a student to receive Medical Amnesty protections, they must:

1. Voluntarily present themselves to a health facility or agency for treatment or observation; or
2. Communicate the emergency directly to an emergency medical service or 9-1-1-, or to a University authority, including but not limited to: Rutgers University Police Department (RUPD), a Resident or Apartment Assistant (RA or AA), or a Community Service Officer (CSO).
3. The student must also attend a scheduled meeting with a Conduct Officer, or other authority as appointed by the Conduct Office, during which an educational or treatment intervention may be imposed.

This provision is rendered moot if there are any aggravating factors, which include but are not limited to: any other violation(s) of the UCSC, failure to attend a scheduled meeting with a Conduct Officer, or failure to comply with assigned educational or treatment interventions.

- B. Students who seek emergency medical attention for another person for a condition related to consumption of alcohol may not be charged with violations of the UCSC. "Related violations" include those set forth in Rutgers Policy 10.2.11 Section VII.-J of the UCSC. For a student to receive these protections, they must:
1. Accompany the afflicted party to a health facility for the intention of treatment or observation, or communicate the emergency directly to an emergency medical **service or**

9-1-1-, or to a University authority, including but not limited to: RUPD, an RA or AA, or a CSO; and

2. Remain with the afflicted individual through the communication of the emergency, and wait while emergency services proceed to the reported location; and
3. Cooperate with all emergency personnel and provide information and assistance when possible; and
4. Attend a scheduled meeting with a Conduct Officer, or other authority as appointed by the Conduct Office, to discuss the incident and recommendations for educational or treatment interventions.

This provision is rendered moot if there are any aggravating factors, which include but are not limited to: any other violation(s) of the UCSC related to this incident, failure to attend a scheduled meeting with a Conduct Officer, or failure to comply with assigned educational or treatment interventions.

C. Medical Amnesty may not be used as a means for students to circumvent University policy. Protections afforded in this policy do not apply when:

1. The student repeatedly violates provisions of this policy; or
2. There is sufficiently documented evidence of other related misconduct or UCSC violations by the student, including but not limited to disruptive behavior; or
3. The student does not comply with the protocols detailed in Sections VII A and B.
4. Conduct Officers on each campus reserve the right to determine on a case-by-case basis whether a student meets the requirements to receive Medical Amnesty under this policy.

VIII. **Instructional Contexts**

Students should not be required to attend class meetings, office hours, or other class-related activities that are held in locations where the consumption of alcohol and/or tobacco products is permitted. Students who do not wish to attend such activities are encouraged to speak with their instructors about excusing their absence. If a student does not feel comfortable speaking with the course instructor, teaching assistant (TA), or group adviser, the student should contact the Office of the Ombudsperson for Students who will intervene with the course instructor, TA, or group adviser on his/her behalf to arrange an alternative assignment of equal value.