



**Nichols College**

*Learn. Lead. Succeed.*

## Nichols College Alcohol Policy

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Effective Date: August 28, 2015

Last Revised: July 22, 2021

The Office of Community Standards in collaboration with the Office of Residence Life works to foster a living and learning community conducive to student success. The following guidelines are designed to promote that goal and to promote responsible decision making in terms of alcohol use. It is the responsibility of each member of the Nichols College Community to understand and comply with these guidelines.

### Section I: Massachusetts State Law

Nichols College maintains an alcohol policy consistent with the Commonwealth of Massachusetts General Laws:

**Chapter 138, Section 34A** "Any person under twenty-one years of age who purchases or attempts to purchase alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person shall be punished by a fine of three hundred dollars and whoever knowingly makes a false statement as to the age of a person who is under twenty-one years of age in order to procure a sale or delivery of such beverages or alcohol to such person under twenty-one years of age, either for the use of the person under twenty-one years of age or for the use of some other person, and whoever induces a person under twenty-one years of age to make a false statement as to his age in order to procure a sale or delivery of such beverages or alcohol to such person under twenty-one years of age, shall be punished by a fine of three hundred dollars. A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court. Upon receipt of such notice the registrar shall thereupon suspend for 180 days the defendant's license or right to operate a motor vehicle."

**Chapter 138, Section 34** "For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age

except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged.”

## Section II: Town of Dudley Bylaw Regarding Alcohol

ARTICLE 22, Section 1 No person shall consume intoxicating beverages on Town owned property or in Town owned buildings or have in his possession in such places an open bottle, can or container containing any such beverage unless a special permit is secured from the Board of Selectmen. Anyone violating this by-law shall be subject to a fine of twenty-five (\$25.00) dollars and may be subject to arrest without a warrant by a police officer.

## Section III: Definitions

The following terms shall mean:

Alcohol or Alcoholic Beverage: any liquid intended for human consumption as a beverage that contains any of a class of chemical compounds having the general formula ROH, where R represents an alkyl group and –OH a hydroxyl group

Consumption: to take into the human body

Dry Room: a room in which not all residents are over the age of twenty-one (21)

Possession: the intentional possession of a controlled substance or alcoholic beverage, or having direct control over the substance or beverage

Presence: in the vicinity or location

Underage: any individual who is under the age of twenty-one (21)

## Section IV: Nichols College Alcohol Policy Violations

Nichols College Officials reserve the right to instruct residents of a room to dispose of any alcohol that is found during an incident where a possible violation of the Alcohol Policy has occurred.

**a. Alcohol/drug related medical**

The health and safety of students is of utmost importance. Should a student need to be transported for intoxication, the student will meet with the Dean of Students or designee. Reporting students involved are covered under the Medical Amnesty Policy in this document and will not be referred to the Office of Community Standards.

**c. Underage in the presence of alcohol**

An individual under the age of twenty-one is prohibited from being in the presence of alcoholic beverages.

**g. 21+ in a dry room**

Alcohol is not permitted at any time in a residence hall room, suite, or apartment if all assigned residents are not of the legal drinking age of twenty-one (21). An individual over the age of twenty-one (21) carries the responsibility of only consuming/possessing alcohol in rooms that are deemed "wet" by all assigned residents being over the age of twenty-one (21).

**Minor Alcohol Policy Violations**

Minor alcohol violations are categorized by the following criteria including but not limited to; beer and wine only, up to the stated max amount (see exceeding alcohol limits in this policy), and all parties are fully cooperative. Nichols College strives to empower students to make positive choices regarding alcohol consumption.

**b. Underage in possession and/or consumption of alcohol**

An individual under the age of twenty-one (21) is not permitted to consume and/or possess alcoholic beverages anywhere on the Nichols College Campus.

**d. Open container**

Individuals regardless of age are prohibited from drinking and/or possessing open or previously opened alcohol containers in any public area of the campus, including hallways, stairwells, bathrooms, lounges, lobbies, campus grounds, athletic fields/buildings, academic buildings, and dining hall. Alcohol placed in another container is considered an open container. The College reserves the right to inspect containers. The owner will be subject to sanctions outlined in this alcohol policy.

**e. Public intoxication**

Defined as any behavior resulting from the over-consumption of alcohol and/or drug which causes a disturbance, is dangerous to the individual, others, and/or property or in any way requires the attention of College Officials.

**Major Alcohol Policy Violations**

Major alcohol violations are categorized by the following criteria including but not limited to; providing alcohol, means/ location to those underage, hard liquor, possessing over the stated max amounts of alcohol (see exceeding alcohol limits in this policy), or individuals not cooperative throughout the process.

**h. Providing alcohol to those underage\***

Individuals over the age of twenty-one (21) are prohibited from knowingly or intentionally supplying/giving alcohol to a person under the age of twenty-one (21), or for failing to restrict access to alcohol.

**i. Providing means/location of alcohol to those underage\***

Residents over the age of twenty-one (21) are not permitted to allow individuals under the age of twenty-one (21) to possess and/or consume alcohol in the residence hall room, suite or apartment to which they are assigned. In other words, residents will not allow individuals under the age of twenty-one (21) to possess and/or consume alcohol in their assigned room.

**j. Hard alcohol**

Defined as any liquid containing 15% or 30 proof alcohol or above is prohibited, regardless of age.

**k. Exceeding alcohol limits**

Students who are twenty-one (21) years of age or older may have in their possession no more than the following amounts at any time. Students may not have both the limit of beer/malt or wine permitted.

- 1 case of beer (30, 12 oz cans) or (24, 12 oz bottles) of malt beverage  
OR
- Up to 5 liters of wine

**l. Drinking games/ Means to mass consumption**

Games and activities in which the sole purpose/origin is to promote heavy alcohol consumption or the possession and/or use of items that encourage heavy alcohol consumption are prohibited, regardless of age. An example of a means to mass consumption includes, but is not limited to beer funnels, water/beer pong etc.

**m. Failure to comply during an incident involving alcohol**

The refusal to act in accordance with requests or directions of a College Official during the performance of duties. This includes but is not limited to, refusing to provide identification, giving false information, disrespectful, foul/abusive language or gestures, refusing to leave the scene of an incident when directed, and general noncooperation.

**n. Dry campus state of emergency**

During certain weather-related and emergency events, the College will declare a Dry Campus State of Emergency. In such an event, students are strictly prohibited from consuming alcohol regardless of age. The College believes that as citizens of Nichols and of Dudley, MA, we have a responsibility to local Emergency Services to not utilize already sparse, valuable resources. Communication to the College community will be officially dispersed via email from an authorized College Official.

## Section V: Minimum Sanctions

For definitions of sanctions please see Student Conduct Sanctions in the Student Code of Conduct. Alcohol violations are cumulative throughout the student's time at Nichols College. Sanctions are assessed based on the number of times a student has been responsible for an alcohol violation.

### Minimum Sanctions for 3.c. Underage in the Presence of Alcohol and 3.g. 21+ in a Dry Room

#### **First Violation**

- Written Warning

#### **Second Violation**

- Written Warning

#### **Third Violation**

- Written Warning
- Parent/Guardian Notification

#### **Fourth Violation**

- Probation (8 weeks)
- Parent/Guardian Notification

#### **Fifth Violation**

- Probation (16 weeks)
- Educational Course
- \$50.00 Fine
- Parent/Guardian Notification

### Minimum Sanctions for Minor Alcohol Policy Violations

#### **First Violation**

- Written Warning

#### **Second Violation**

- Probation (16 academic weeks=the equivalent of 1 semester )
- Educational
- \$50 Fine (assessed to the Student's Account)

- Parent/Guardian Notification

### **Third Violation**

- Probation (1 calendar year)
- In-Person Assessment
- 3 consecutive Weekend Suspensions
- \$100 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

### **Fourth Violation**

(Over 1 year from previous alcohol violation)

- Probation (indefinitely )
- 4 consecutive Weekend Suspensions
- \$150 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

(Within 1 year from previous alcohol violation)

- Removal from Housing (1 semester ) or Social Restriction (Commuter)
- No Trespassed from the Residence Halls
- Parent/Guardian Notification

### **Fifth Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

## **Minimum Sanctions for Major Alcohol Policy Violations**

The following sanctions are added to minor violation sanctions outlined above:

### **First Violation**

- 2 consecutive Weekend Suspensions
- \$50.00 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

## **Second Violation**

- Probation (1 calendar year)
- 4 consecutive Weekend Suspensions
- In-Person Assessment
- \$50.00 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

## **Third Violation**

- Deferred Removal from Housing or Deferred Social Restriction (Commuter)
- 6 consecutive Weekend Suspensions
- \$50.00 Fine (assessed to the Student's Account)
- Parental/Guardian Notification

## **Fourth Violation**

- Removal from Housing (indefinitely) or Social Restriction (Commuter)
- No Trespassed from the Residence Halls
- Parent/Guardian Notification

## **Minimum sanctions for 3.h. Providing Alcohol to those Underage**

### **First Violation**

- Probation (16 weeks)
- Deferred Removal from Housing or Deferred Social Restriction (Commuter)
- Parent/Guardian Notification

### **Second Violation**

- Probation (1 calendar year)
- Removal from Housing or Social Restriction (Commuter)
- No Trespassed from the Residence Halls
- Parent/Guardian Notification

## **Minimum sanctions for 3.i. Providing Means/Location of Alcohol to those Underage**

### **First Violation**

- Written Warning
- Deferred Housing Relocation or Deferred Social Restriction (Commuter)
- Parent/Guardian Notification

### **Second Violation**

- Probation (16 weeks)
- Housing Relocation or Social Restriction (Commuter)
- Deferred Removal from Housing
- Parent/Guardian Notification

### **Third Violation**

- Probation (1 calendar year)
- Removal from Housing or Social Restriction (Commuter)
- No Trespassed from Residence Halls
- Parent/Guardian Notification