



Nichols College

Nichols College Alcohol & Drug Policy

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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 support that goal by promoting responsible decision-making regarding alcohol and drug use. Use, possession, or distribution of narcotic or dangerous drugs as defined by state and federal laws is expressly forbidden. Nichols College strives to maintain a drug-free campus where the physical and mental health of students enables growth and development. To conclude, Residence Life staff and Public Safety personnel are responsible for reporting evidence of such activity to the proper authorities for appropriate action. It is the responsibility of each member of the Nichols College Community to understand and comply with these guidelines.

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Section I: Massachusetts State Law - Alcohol

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 and will not be referred to the Office of Community Standards.

b. Underage 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.

c. Underage in the presence of alcohol

An individual under the age of twenty-one (21) is prohibited from being in the presence of alcoholic beverages.

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.

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.

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).

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.

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

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: Town of Dudley Bi-Law Regarding Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Students are subject to a citation from Dudley Police should an individual be found in violation of the above bi-law. Please note that while possession of under an ounce of marijuana for individuals over the age of twenty-one (21) has been legalized in Massachusetts, it is a violation of Nichols College Policy to be in possession of any amount of marijuana. In addition, the state constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana does not change this prohibition or authorize a student to use marijuana even use for medical purposes.

Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus marijuana use, even if in compliance with Massachusetts State Law, is prohibited on campus.

Section VI: Definitions

The following terms shall mean:

Consumption: to take into the human body

Controlled Substance: a drug or chemical whose manufacture, possession, or use is regulated by the government.

Drug: any stimulant, intoxicant, chemical compound, depressant, or combination that affects the central nervous system and is used to induce an altered state. This includes items that are otherwise lawful and lawfully available. (Example, prescription drugs or household products).

Drug Paraphernalia: equipment, products and/or materials of any kind which are used, intended for use, or designed for use while inhaling, injecting, ingesting, or otherwise introducing into the human body a controlled substance. Also to include items used in growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, or weighing.

Manufacture: the production, preparation, compounding, conversion, or processing of a drug or controlled substance

Possession: the knowing or intentional possession of a controlled substance or alcoholic beverage, or having direct control over the substance or beverage Presence: in the vicinity or location

Section VII: Medical Marijuana

Although the Commonwealth of Massachusetts passed state legislation allowing the use of marijuana for medicinal purposes, Nichols College does not allow the use or possession of marijuana on campus, at any location, event, or College-sponsored activity. Nichols College complies with the Federal Drug Free Schools and Communities Act by prohibiting the use of controlled substances, including marijuana. Therefore, the possession or use of marijuana on its campus, for any reason, is a violation of Student Code of Conduct. See Medical Marijuana Policy for full details.

Section VIII: THC and Edibles

The possession and/or use of substances containing THC (tetrahydrocannabinol) is considered to be the same as possession and/or consumption of marijuana. The term edibles refer to any foods, candies, baked goods, or drinks that contain cannabis/THC in some form that can be ingested, rather than smoked or vaporized. In the event that a Nichols College administrator believes that an individual is in possession of or has

consumed marijuana/THC, all items will be confiscated and destroyed. The individual will be referred to the Office of Community Standards.

Section IX: Nichols College Drug Policy Violations

Nichols College Officials reserve the right to instruct residents of a room to dispose of any drugs that are found during an incident where a possible violation of the Drug Policy has occurred. Nichols College prohibits the possession, use, consumption, manufacture, sale or distribution of drugs and/or paraphernalia.

Specific violations include, but are not limited to:

- a. Distribution, sale or intent to sell drugs legal or illegal**
- b. Improper use/possession of prescription drugs**
- c. Possession and/or consumption of drugs other than marijuana**
- d. Possession and/or consumption of marijuana**
- e. Possession and/or use of drug paraphernalia**
- f. In the presence of marijuana use**