

BERKELEY COLLEGE DRUG AND ALCOHOL POLICY FOR STUDENTS

Scope

This Policy applies to all students on any College property, in College vehicles, or at any activity sponsored or authorized by the College.¹

Purpose

This Policy is intended to promote wellness and foster an atmosphere in which College-related activities can be conducted safely, appropriately and in a way that reflects well upon the College.

I. PROHIBITED ACTIVITY

A. Inappropriate Use of Drugs or Alcohol

Berkeley College strictly prohibits the possession, sale, use, or distribution of illegal drugs and drug paraphernalia as well as recreational marijuana obtained lawfully; the misuse/abuse or redistribution of other drugs obtained lawfully; and the unauthorized sale, possession or consumption of alcohol, on any College property, in College vehicles, and at any activity sponsored or authorized by the College.

B. Coercive Behavior

No Berkeley student shall coerce, even subtly, another Berkeley student to use drugs or alcohol.

C. Drug Convictions

Students convicted of any offense under any federal or state law involving the possession or sale of a controlled substance shall become ineligible to participate in federal financial aid programs for designated time periods. See “Suspension of Eligibility for Drug Related Offenses” available from the Student Development and Campus Life Department and located on the Consumer Information page of the Office of General Counsel site of the Berkeley College website at <https://berkeleycollege.edu/pdf/suspension-of-eligibility-for-drugs.pdf>.

II. SANCTIONS FOR VIOLATIONS OF STANDARDS OF CONDUCT

Students who violate this Policy are subject to disciplinary action. Based upon an evaluation of the relevant circumstances, such disciplinary action may include, in the sole discretion of the College and without limitation, warnings (oral or written); referral to Berkeley personal counselors; mandatory completion of a substance abuse rehabilitation program; suspension; or immediate dismissal from the College.

¹ For purposes of this Policy, “College” refers to Berkeley College.

Drug and Alcohol Use Amnesty in Connection with Reporting Sexual Assault, Intimate Partner Violence or Stalking

The health and safety of every student at Berkeley College is of utmost importance. Berkeley College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including domestic violence, dating violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Berkeley College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Berkeley College officials in accordance with College procedures. A bystander acting in good faith, or a reporting individual acting in good faith, that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Berkeley College officials or law enforcement will not be subject to Berkeley College's disciplinary process for violations of this Policy occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

III. APPLICABLE LEGAL SANCTIONS FOR UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF DRUGS AND ALCOHOL – FEDERAL, STATE AND LOCAL LAW

In addition to disciplinary action, students remain subject to all applicable local, state, and federal laws which will be fully enforced by the College. What follows are some **examples** of federal, New York, New Jersey and local laws pertaining to the unlawful possession, use or distribution of drugs and alcohol.

A. FEDERAL

1. Select Federal Sanctions for Illegal Drugs

Although most controlled substance offenses are prosecuted under state law, possession can become a federal charge when, for example, either the defendant or the drug crossed state lines, or the offense took place in a national park, federal land, or aboard an airplane.

It is a crime under federal law to knowingly or intentionally possess a controlled substance unless the possession is otherwise permitted by law, *e.g.*, the controlled substance has been obtained pursuant to a valid prescription. The penalties for the conviction of the unlawful simple possession of a controlled substance, sometimes referred to as personal use amounts, are severe. The penalty for the first conviction is up to one year imprisonment, a fine of at least \$1000, or both. The penalty for the second conviction is imprisonment for not less than 15 days but not more than 2 years and a fine of not less than \$2,500. If there have been two or more prior convictions, the penalty is a period of imprisonment between 90 days and 3 years and a minimum fine of \$5,000.

A conviction for the possession of a mixture or substance which contains a cocaine base (such as crack cocaine) is subject to even more severe penalties. The penalty for the conviction of possession of a cocaine based controlled substance is imprisonment for a period of 5 to 20 years and a fine of no less than \$1,000, provided the amount exceeds 5 grams for the first conviction, 3 grams for the second conviction, and 1 gram for each subsequent conviction.

2. Trafficking in Controlled Substances

The Controlled Substances Act provides penalties for the unlawful trafficking of controlled substances, based on the schedule of the drug or substance. Generally, the more dangerous the drug, and the larger quantity involved, the stiffer the penalty. A person caught selling at least five hundred grams, but less than five kilograms of cocaine powder will receive a minimum of five years in prison and may be fined up to \$2 million for the first offense. The same penalty is imposed for the sale of five to forty-nine grams of cocaine base (“crack”). Penalties double with the second offense to ten years in prison and up to \$4 million in fines. Higher penalties apply if an organized group is involved or if a death or injury is associated with the arrest event. Special penalties exist for marijuana trafficking, because it may be traded or grown in substantial amounts. The lower the amounts sold or the fewer plants grown, the lower the sentence. For example, a person selling 1 to 49 plants, or less than a 50 kg mixture may get a maximum sentence of not more than five years, along with a \$250,000 fine.

Federal possession and trafficking convictions can also lead to the forfeiture of property (e.g. your car), the denial of federal benefits such as student loans and grants, and a criminal record which may prevent an individual from entering certain career fields.

See U. S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2020 Edition, Federal Trafficking Penalties https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf for a complete list of penalties.

B. NEW YORK

Select New York Alcohol Laws

1. Open Container: Local municipalities usually prohibit the consumption of, or possession of an open container with the intent to consume, an alcoholic beverage in any public place or on private property without the owner's permission. Violations are punishable, for example, by a fine of up to \$150 and/or up to 15 days in jail.

2. Minor in Possession: Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine of up to \$50 and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. ABC Law 65-c.

3. Providing False Identification: A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage, may be punished by a fine of up to \$100, community service of up to 30 hours, and/or completion of an alcohol awareness program. ABC Law, 65-b. If a New York driver's license was used as the false identification, the court may suspend the violator's license for 90 days. ABC Law, 65-b.

4. Furnishing Alcohol to a Person Under Age 21: No person may sell, deliver or give an alcoholic beverage to a person actually or apparently under the age of 21. (The

Law does not apply to the parent of a minor). Penal Law, 260.20(2) and ABC Law, 65(1). Individuals violating this law are guilty of a Class A misdemeanor, and may be subject to a fine not exceeding \$1000, a term of imprisonment not to exceed 1 year, or both. ABC Law, 130(3) and (5) and Penal Law 70.15(1)(a), 80.05(1).

5. Driving While Intoxicated or Ability Impaired by Alcohol or Drugs: Driving while intoxicated is a crime. In New York State, the penalties can include loss of driving privileges, fines and possible jail term. The nature and severity of the penalty depend on the amount of alcohol (or drugs) consumed and whether it is a first or subsequent offense. For example:

- a) **Driving while Ability Impaired by Alcohol (DWAI):** Penalties include a mandatory \$300 - \$500 fine; 15 day jail term; and a 90 day license suspension. All 3 penalties increase for subsequent offenses.
- b) **Driving while Ability Impaired by a Combination of Alcohol/Drugs:** Penalties include a mandatory \$500 - \$1,000 fine; a 1 year jail term; a minimum 6 month license revocation. All 3 penalties increase for subsequent offenses.
- c) **Driving while Intoxicated or Driving while Impaired by a Drug:** Penalties include a mandatory \$500 - \$1000 fine; 1 year jail term; minimum 6 month license revocation. All 3 penalties increase for subsequent offenses. For a complete list of New York alcohol and drug driving violations see:
<http://www.dmv.ny.gov/alcohol-drug.htm>

Select New York Drug Laws

The unlawful possession, use or distribution of illicit drugs is punished by severe penalties by the State of New York. Typically, the seriousness of the offense and the penalty imposed depend upon the individual drug, the amount of the drug, and whether the drug is possessed or sold.

For example, the *possession* of four ounces or more of cocaine is a class A-I felony, punishable by up to life in prison and fines of up to \$100,000. The possession of *any amount* of cocaine, with *intent to sell*, is a class B felony, punishable by up to 25 years in prison and fines of up to \$30,000. In New York State, any *gift* of drugs is treated as a *sale*.

Laws and guidance relating to marijuana use in NY State can be found here:
<https://cannabis.ny.gov/adult-use>

C. NEW JERSEY

Select New Jersey Alcohol Laws

N.J.S. 33:1-2 makes 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, the sale of cups, the sale of tickets, and/or the acceptance of donations.

N.J.S. 2C:33-17. Anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal drinking age, or entices or encourages that person to drink an alcoholic beverage, is punishable by a fine of \$1,000 and/or up to six months in jail.

N.J.S. 2C:33-15 makes it unlawful for any person under the legal drinking age to possess or consume any alcoholic beverage in any public place or motor vehicle. Violation of this Section is punishable by a fine of not less than \$500. Punishment may also require participation in an Alcohol Education Program. Further, if the offense is committed in a motor vehicle, the punishment includes the suspension or postponement of driving privileges for six months.

N.J.S. 39:4-51a provides for a \$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.

N.J.S. 33:1-81 makes it an offense, punishable as outlined below, for:

- a) a person under the legal drinking age to enter a licensed premises with the intent to purchase or consume alcoholic beverages;
- b) a person under the legal drinking age to purchase or consume alcoholic beverage on a licensed premises;
- c) a person of legal drinking age to purchase an alcoholic beverage FOR a person under the legal drinking age;
- d) a person to misrepresent or misstate his/her age in connection with the sale or service of any alcoholic beverage to a person under the legal drinking age.

A person convicted of a violation of any of these provisions is subject to the following penalties: a MINIMUM fine of \$500; a six month loss of driving privilege, and court ordered participation in an Alcoholic Education or Treatment Program.

N.J.S. 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). The severity of the penalties (including fines, imprisonment, loss of driving privileges, community service, the installation of an ignition interlock device, admission to an Intoxicated Driver Resource Center and/or a rehabilitation program) depends on whether the violation is a first or subsequent offense, and/or the person's blood alcohol concentration and/or other factors.

2. Select New Jersey Drug Laws (See generally, NJSA 2C:35-10 and 2C:35-5)

Laws and guidance relating to marijuana use in New Jersey can be found here:
<https://www.njoag.gov/marijuana/>

Charges for simple possession of **cocaine** are typically third degree offenses, subjecting one to imprisonment for 3-5 years, with a fine not to exceed \$15,000. There are enhanced penalties if one is charged near a school, a public housing facility or park.

If someone is charged with distributing or attempting to distribute 5 ounces or more of **cocaine**, it is a first degree offense, punishable by a term of imprisonment of 10 to 20 years, and a fine not to exceed \$200,000. If one is charged with distributing or attempting to distribute less than 5 ounces, but more than ½ ounce, it is a second degree offense, punishable by a term of imprisonment of 5 to 10 years and a fine not to exceed \$150,000. If one is charged with distributing or attempting to distribute less than ½ ounce of cocaine, it is a third degree offense, punishable by a term of imprisonment of 3 to 5 years, and a fine not to exceed \$15,000.

If a person distributes illegal drugs to a minor or a pregnant woman, the penalty shall be doubled. The penalties also increase if a person distributes or possesses with intent to distribute near school property or a school bus. There are also fines and prison time associated with drug paraphernalia possession and sale.

D. LOCAL LAWS

NEW YORK

New York City

A New York City ordinance prohibits the possession or sale of controlled substances. A civil penalty of up to \$100,000 may be assessed for a violation of this ordinance.

New York City law also prohibits the consumption of an alcoholic beverage or the possession of an open container containing an alcoholic beverage in any public place, including an automobile parked in a public place. The maximum penalty for a violation of this ordinance is a fine of \$25.00 or imprisonment of up to 5 days.

NEW JERSEY

Newark

A Newark ordinance prohibits the consumption or distribution of alcoholic beverages or the possession of an open container containing an alcoholic beverage in any public place. The maximum penalty for a violation of the ordinance is a fine not to exceed \$1,250, 90 days imprisonment, or 90 days community service.

Woodbridge

A Woodbridge ordinance prohibits the use, distribution or possession with intent to use or distribute drug paraphernalia or the advertising of drug paraphernalia for sale. The maximum penalty for a

violation of the ordinance is a fine of \$2000, 90 days' imprisonment and/ or 90 days community service.

Woodland Park

A Woodland Park ordinance prohibits the consumption of alcoholic beverages in a public place (including an automobile on a public street). Violation of this ordinance is punishable by a fine of up to \$500 and a prison term of up to 90 days.

IV. HEALTH RISKS

While drugs have saved lives, greatly reduced human suffering, and improved the quality of life, they may be misused or abused. Psychoactive drugs act on the central nervous system. They may increase activity (stimulants), decrease activity (depressants), or cause hallucinations (hallucinogens). Every drug has multiple effects that depend on the properties of the drug and the dosage taken. When two or more drugs are taken together or in sequence, their effects may be stronger than their additive sum.

The effects of drug use are highly individualized. Drug use or abuse can affect a person's physical, emotional, and social health. It can cause accidents, illnesses, drug dependence, overdose, and even death. It can cause legal problems, economic problems, school or work problems, and relationship problems. Drug use and abuse can cause serious harm.

Below is a partial list of the common health effects of alcohol and drug use and abuse.

Alcohol

- Blackouts
- Gastritis
- Cirrhosis of the liver
- Mouth, throat, and liver cancer
- Heart disease
- Accidents
- In pregnant women, Fetal Alcohol Syndrome (birth defect)

Marijuana

- Confusion and distortion of time perception
- Increased heart rate
- Short-term memory loss
- Loss of motivation
- Damaged lung tissue
- In men, decrease in sex hormones and increase in abnormal sperm
- Tolerance and psychological dependence

Amphetamines

- Elevated blood pressure
- Nervousness, panic states
- Hyperactivity
- Insomnia
- Malnutrition
- Acute psychoses

Death

Cocaine/Crack

Painful nosebleeds and nasal erosion
"Coke blues", an intense depression after the high
Psychological dependence
Heart attack
Seizures, coma, and death
In pregnant women, miscarriage or stillbirth

Barbiturates

Confusion
Loss of coordination
Psychological and physical dependence
Seriously impaired driving skills
Coma and death
Especially dangerous when taken in combination with other drugs

Opiates

Loss of judgment and self-control
Diminished sex drive and sexual performance
Physical and psychological dependence
Malnutrition
Infections, including hepatitis
Overdose can cause convulsions, coma, and death

Hallucinogens

Hallucinations
Panic attacks
Violent behavior, especially with PCP
Flashbacks
Birth defects in users' children
High dosage can cause convulsions, coma, and death

Synthetic Marijuana (Spice, K2, Moon Rocks)

Rapid heart rate
Vomiting
Agitation
Confusion
Hallucinations

Bath Salts

Chest pains
Increased blood pressure
Increased heart rate
Agitation
Hallucinations
Extreme paranoia
Delusions

Inhalants

- Poor motor coordination
- Confusion
- Impaired vision and memory
- Hallucinations
- Extreme paranoia
- Light headedness
- Drastic weight loss
- Brain damage
- Liver and bone marrow damage
- High risk of sudden death

Anabolic Steroids

- Anxiety
- Aggression and paranoia
- Infertility
- Acne
- Suicide
- Depression
- Organ Failure

V. ALCOHOL AND DRUG RESOURCES AND SERVICES

The Student Development and Campus Life Department is available to assist students with education, information, counseling, and referral services for alcohol and drugs.

General advisement is provided to students who need to take the first step in acknowledging the presence of an alcohol or drug related problem. Referrals will be made for treatment programs and to outside agencies, as appropriate.

In accordance with the Department of Education's Drug-Free Schools and Campuses Regulations, Berkeley College will distribute this Policy to all students annually.

APPENDIX A: ADDITIONAL RESOURCES

SAMHSA'S National Helpline

SAMHSA's National Helpline, [1-800-662-HELP \(4357\)](tel:1-800-662-HELP(4357)) (also known as the Treatment Referral Routing Service), or TTY: [1-800-487-4889](tel:1-800-487-4889) is a confidential, free, 24-hour-a-day, 365-day-a-year, information service, in English and Spanish, for individuals and family members facing mental and/or substance use disorders. This service provides referrals to local treatment facilities, support groups, and community-based organizations.

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) provides information on alcohol abuse and alcoholism. Contact:

NIAAA
6000 Executive Boulevard
Willco Building
Bethesda, MD 20892-7003
(301) 443-3860
<https://www.niaaa.nih.gov/>.niaaa.nih.gov/

National Suicide Prevention Lifeline:

Not just a suicide hotline, this lifeline offers help with issues of drug and alcohol abuse. Dial 988

National Institute on Drug Abuse

<https://nida.nih.gov/>

Addiction Resources and Help

<https://addictionresource.com/>

Smoking Cessation

<https://smokefree.gov/>

Mayo Clinic -Prescription Drug Abuse

<http://www.mayoclinic.org/diseases-conditions/prescription-drug-abuse/basics/definition/con-20032471>

National Institute of Alcohol Abuse and Alcoholism- College Drinking

<https://www.collegedrinkingprevention.gov/>

ORGANIZATIONS

National Association for Children of Alcoholics: 1-888-55-4COAS (1-888-554-2627)

National Drug Abuse: 1-800-662-HELP (4357)

Al-Anon/Alateen: 1-800-344-2666

Alcohol/Drug Abuse Hotline: 1-800-662-HELP (4357)

Marijuana Anonymous: 1-800-766-6779

Veteran Substance Use Treatment and Support

<https://www.va.gov/directory/guide/SUD.asp>

Crisis Text Line

Crisis Text Line offers advice and referrals for anyone who feels that they're experiencing a crisis. This can include drug and alcohol dependency, suicidal impulses, family problems, and other personal difficulties. To access the Crisis Text Line, text HOME to 741741 any time, day or night.