

ALCOHOL AND DRUG POLICY AND PROGRAM FOR STUDENTS

INTRODUCTION

Berkeley is an educational institution committed to maintaining an environment that allows students to enjoy the benefits of a substance-free environment and to understand the negative consequences of the misuse of alcohol and drugs on their lives. In accordance with the policy approved by the Board of Trustees of Berkeley College on September 12, 1990, and in accordance with Public Law 101.226, the College declares that it has a strong commitment to obtain the above-stated goal.

The College is committed to promoting the wellness and positive self-development of all students. The unauthorized and/or illegal use and abuse of alcohol and drugs inhibits students from attaining their full potential, exposes them to serious illnesses and health risks, and negatively impacts the entire Berkeley College Community.

I. STANDARDS OF CONDUCT

Berkeley strictly prohibits the possession, sale, use, or distribution of illegal drugs and drug paraphernalia; the misuse/abuse or redistribution of drugs obtained lawfully; and the unauthorized possession or consumption of alcohol, on any College property, in College vehicles, or at any College related activity. It is also a violation of this Policy for one Berkeley student to coerce, even subtly, another Berkeley student to use drugs or alcohol.

Furthermore, 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 on the Office of Institutional Compliance page of the Berkeley College website at <http://www.berkeleycollege.edu/Compliance/index.htm>).

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.

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.

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.

Trafficking In Controlled Substances (Federal):

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 2005 Edition, Federal Trafficking Penalties or <http://www.justice.gov/dea/agency/penalties.pdf> for a complete list of penalties.

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:

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.

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.

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 for DWI and minimum 6 month license suspension for DWAI. All 3 penalties increase for subsequent offenses. For a complete list of New York alcohol and drug driving violations see: www.nydmv.state.ny.us/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.

The *possession* of 25 grams or less of Marijuana is a civil infraction and is subject to a \$100 fine. The *possession* of 8 to 16 ounces of Marijuana is a class E felony, punishable by 1-4 years in prison and/or a \$5,000 fine (for the first offense), as is the *sale* of 25 grams to 4 ounces of Marijuana. Any sale or delivery of Marijuana to a minor is punishable by 1-7 years in prison and a fine of up to \$5,000.

In New York State, any *gift* of drugs, including marijuana, is treated as a *sale*.

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:

- 1) a person under the legal drinking age to enter a licensed premises with the intent to purchase or consume alcoholic beverages;
- 2) a person under the legal drinking age to purchase or consume alcoholic beverage on a licensed premises;
- 3) a person of legal drinking age to purchase an alcoholic beverage FOR a person under the legal drinking age;
- 4) 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.

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

Drug Possession:

Possession of **marijuana** is generally considered a disorderly persons offense (if less than 50 grams), and can lead to punishment of 6 months in jail, and a fine of \$1000. Possession of more than 50 g can lead to punishment of 18 months in jail and a \$10,000 fine. If within 1,000 feet from a school, possession of an illegal drug, depending on the amount, can lead to a penalty of an additional minimum 100 hours of community service and an additional fine.

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.

Drug Distribution and possession with Intent to Distribute:

If someone is charged with distributing or attempting to distribute less than 1 oz of **marijuana**, punishment may be 18 months in prison and a fine of \$10,000. If it is 1 oz or more, but less than 5 pounds, the penalty could be 3 to 5 years imprisonment and a fine of \$15,000. If it is more than 5 pounds, but less than 25 pounds, the penalty could be 5 to 10 years imprisonment with \$150,000 fine. If it is 25 pounds or more, the penalty can be imprisonment with a minimum of 10 to a maximum of 20 years, with a fine of \$200,000.

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.

LOCAL LAWS

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.

PARAMUS

A Paramus ordinance prohibits the consumption of alcoholic beverages or the possession of an open container containing an alcoholic beverage in a public place or an automobile. The maximum penalty for a violation of the ordinance is a fine of \$2,000, 90 days' imprisonment and/or 90 days of 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.

WHITE PLAINS

A White Plains 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 of \$25 and 15 days' imprisonment.

WOODBIDGE

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.

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.

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

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 information to all students annually.

APPENDIX A: ADDITIONAL RESOURCES

ORGANIZATIONS

Alcoholics Anonymous (AA) is a voluntary fellowship of alcoholics who help themselves and each other get and stay sober. Check the phone book for a local chapter or write the national office at:

475 Riverside Drive
11th Floor
New York, NY 10115
(212) 870-3400
www.alcoholics-anonymous.org

Narcotics Anonymous is a nonprofit fellowship or society of men and women for whom drugs had become a major problem. NA support groups meet regularly. Check the website for local contact numbers or write the national office at:

Narcotics Anonymous
World Service Office
PO Box 9999
Van Nuys, California 91409
Unites States
Telephone: (818) 773-9999

Fax: (818) 700-0700
www.nanj.org

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
www.niaaa.nih.gov

The National Council on Alcoholism and Drug Dependence, Inc. can refer you to treatment services in your area. Contact:

National Headquarters
12 West 21st Street
8th Floor
New York, NY 10010
(800) 622-2255
www.ncadd.org

The Center for Substance Abuse Prevention (CSAP) works with states and communities to develop comprehensive prevention systems that create healthy communities that include supportive work and school environments, drug- and crime-free neighborhoods, and positive connections with friends and family.

Center for Substance Abuse Prevention
5600 Fishers Lane
Rockwall II
Rockville, MD 20857
(301) 443-0365
<http://prevention.samhsa.gov>

The following resources are available for your use in the local campus Library or through inter-campus library loan:

BOOKS

Alters, Sandra. *Alcohol and Tobacco: America's Drugs of Choice*. Detroit: Thomson Gale, 2006. GMT 362.29 ALC

Aue, Pamela Willwerth. *Teen Drug Abuse*. Detroit: Thomson/Gale, 2006. GMT 362.29 TEE

Bellenir, Karen, ed. *Drug Abuse Sourcebook: Basic Consumer Health Information about Illicit Substances of Abuse and the Diversion of Prescription Medications, Including Depressants, Hallucinogens, Inhalants, Marijuana, Narcotics, Stimulants, and Anabolic Steroids*. Detroit: Omnigraphics, 2000. MDL REF 362.29 DRU

Connors, Gerard J., et al. *Substance Abuse Treatment and the Stages of Change: Selecting and Planning Interventions*. New York; London: Guilford, 2004. NYC 618.86 CON

DiClemente, Carlo C. *Addiction and Change: How Addictions Develop and Addicted People Recover*. New York: Guilford Press, 2003. GMT/MDL/NYC 616.86 DIC

Edwards, Griffith. *Alcohol: the World's Favorite Drug*. New York: Thomas Dunne Books/St. Martin's Press, 2002. GMT 362.2928 EDW, NYC 641.21 EDW

Emmett, David. *Understanding Street Drugs: a Handbook of Substance Misuse for Parents, Teachers, and Other Professionals*. Philadelphia: J. Kingsley, 2006. NYC 362.29 EMM

Fearing, James. *Workplace Intervention: the Bottom Line on Helping Addicted Students Become Productive Again*. Center City, Minn: Hazelden, 2000. GMT 658.3 FEA

Ferreiro, Carmen. *Heroin*. Philadelphia: Chelsea House Publishers, 2003. EXT/GMT 362.29 FER

Goodwin, Donald W. *Alcoholism, the Facts*. Oxford; New York: Oxford University Press, 2000. GMT 616.86 GOO

Hardiman, Michael. *Overcoming Addiction: a Common Sense Approach*. Freedom, CA: Crossing Pr., 2000. MDL 362.29 HAR

Kleinfeld, Judith, et al. *Fantastic Antone Grows Up: Adolescents and Adults with Fetal Alcohol Syndrome*. Fairbanks, Alaska: University of Alaska Press, 2000. GMT 618.3 FAN

Klosterman, Lorie. *The Facts About Depressants*. New York: Benchmark Books/Marshall Cavendish, 2005. NYC 615.78 KLO

Lenahan, Pat. *Anabolic Steroids: and Other Performance-Enhancing Drugs*. London; New York: Taylor & Francis, 2003. MDL 362.29 LEN

Manville, William H. *Cool, Hip and Sober: 88 Ways to Beat Booze and Drugs*. New York: Forge, 2003. GMT 362.29 MAN

Mehling, Randi. *Hallucinogens*. Philadelphia: Chelsea House Publishers, 2003. EXT 615.7883

The National Center on Addiction and Substance Abuse at Columbia University. *Women Under the Influence*. Baltimore, Md: Johns Hopkins University Press, 2006. MDL 616.86 WOM

Olive, M. Foster. *Designer Drugs*. Philadelphia: Chelsea House Publishers, 2004. EXT 362.29 OLI

Pinsky, Drew, et al. *When Painkillers Become Dangerous: What Everyone Needs to Know About OxyContin and Other Prescription Drugs*. Center City, Minn: Hazelden, 2004. GMT 616.86 WHE

Stimmel, Barry. *Alcoholism, Drug Addiction, and the Road to Recovery: Life on the Edge*. New York: Haworth Medical Press, 2002. GMT/NYC 362.29 STI

Sutton, Amy L., ed. *Alcoholism Sourcebook: Basic Consumer Health Information About Alcohol Use, Abuse, and Dependence...* Detroit, MI: Omnigraphics, 2007. GMT 362.292 ALC

Toor, James D., ed. *Alcoholism*. Detroit: Thomson Gale, 2006. GMT 362.292 ALC

The Twelve Steps of Alcoholics Anonymous: Interpreted by the Hazelden Foundation. Center City, MI: Hazelden, 1993. BGN 362.292 TWE

Volpicelli, Joseph and Maia Szalavitz. *Recovery Options: the Complete Guide*. New York: Wiley, 2000. GMT 616.86 VOL

Wagner, Heather Lehr. *Cocaine*. Philadelphia: Chelsea House Publishers, 2003. EXT/GMT 362.29 WAG

Winger, Gail, et al. *A Handbook on Drug and Alcohol Abuse: the Biomedical Aspects*. New York: Oxford University Press, 2004. GMT 616.86 WIN

DVD/VIDEO

Alcoholism in America. DVD. CBS Worldwide, Inc.; New York, N.Y.: Distributed by New Video, 2000. GMT/WST VR 362.2 TWE

Constant Craving: the Science of Addiction. VHS. Princeton, N.J: Films for the Humanities & Sciences, 2001. GMT VR 362.29 CON

Deadly Highs. DVD. Discovery Channel Education, 2004. GMT DVD 613.8 DEA

Inhalants. DVD. Charleston, WV: Cambridge Educational, 1999. GMT DVD 362.29 INH

The Meth Epidemic. DVD. PBS Home Video, 2006. NYC DVD 362.29 MET

Narcotics. DVD. Monmouth Jct., NJ: Cambridge Educational, 1999. GMT DVD 362.29 NAR

PCP & Ketamine. DVD. South Charleston, WV: Cambridge Research Group, 1999. GMT DVD 616.8634 PCP

Psychedelics and Hallucinogens. DVD. Monmouth Junction, NJ : Cambridge Educational, 1999. GMT DVD 362.29 PSY

Sedatives. DVD. Charleston, WV: Cambridge Educational, 1999. GMT DVD 362.29 SED

Steroids. DVD. Charleston, WV: Cambridge Educational, 2004. GMT DVD 362.29 STE

THC. DVD. Charleston, WV: Cambridge Educational, 1999. GMT DVD 362.29 THC

The Truth About Alcohol. VHS. Cambridge Educational, 2001. GMT VR .292 TRU