

## ALCOHOL AND DRUGS POLICY

The use of illicit drugs and alcohol at Salem State University, on university property or at university activities impairs the safety and health of students, inhibits the personal and academic growth of students, and undermines the public's confidence in the university. Only in an environment free of substance abuse can Salem State University fulfill its mission of developing the professional, social, cultural, and intellectual potential of each member of this community.

The information which follows outlines the standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students on university property or as a part of any university activities and describes the applicable legal sanctions, associated health risks and support programs and services available to students. All members of this community are urged to carefully and seriously reflect on their personal responsibility to remain drug free, and further, to demonstrate care and concern for others through timely intervention, support, and referral.

Salem State University's Alcohol and Drugs Policy will be in accordance with the laws of the Commonwealth of Massachusetts at all times. Moreover, the University's standards of personal conduct substantially exceed the minimum expectations of civil law and custom. Students found in violation of Massachusetts law, University's Alcohol and Drugs Policy or engaging in misconduct related to the abuse of alcohol whether on- or off-campus will be subject to disciplinary action as outlined in the *Student Conduct Code*. Being under the influence of alcohol or drugs will not be accepted as an excuse for conduct that violates the *Student Conduct Code*.

### **General Laws (Federal, State, and City of Salem Ordinance):**

Salem State University enforces all federal and state laws and city ordinances regarding the possession, use, sale, and/or distribution of alcoholic beverages, including those prohibiting drinking by individuals under 21 years of age. In addition, Salem State University enforces all federal and state laws and city ordinances regarding the possession, use, sale, and/or distribution of illegal drugs and drug paraphernalia. Where federal and state laws and city ordinances may conflict, federal law is enforced.

On the following page, the penalties of violating federal law, state law, and city ordinances have been outlined for you. The following resources were used to compile this information:

Federal trafficking penalties: [https://www.dea.gov/pr/multimedia-library/publications/drug\\_of\\_abuse.pdf](https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf)

Massachusetts State law: <https://malegislature.gov>

City of Salem ordinance: <http://www.salem.com>

Federal Law

The current federal trafficking penalties are as follows:

**FEDERAL TRAFFICKING PENALTIES**

| DRUG/SCHEDULE   | QUANTITY                                  | PENALTIES   | QUANTITY   | PENALTIES   |
|---|---|---|--|---|
| Cocaine (Schedule II)   | 500-4999 grams mixture                    | <b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.<br><br><b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. | 5 kgs or more mixture                              | <b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.<br><br><b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.<br><br><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. |
| Cocaine Base (Schedule II)  | 28-279 grams mixture                      |   | 280 grams or more mixture                          |   |
| Fentanyl (Schedule II)  | 40-399 grams mixture                      |   | 400 grams or more mixture                          |   |
| Fentanyl Analogue (Schedule I)  | 10-99 grams mixture                       |   | 100 grams or more mixture                          |   |
| Heroin (Schedule I)   | 100-999 grams mixture                     |   | 1 kg or more mixture                               |   |
| LSD (Schedule I)  | 1-9 grams mixture                         |   | 10 grams or more mixture                           |   |
| Methamphetamine (Schedule II)   | 5-49 grams pure or 50-499 grams mixture   |   | 50 grams or more pure or 500 grams or more mixture |   |
| PCP (Schedule II)   | 10-99 grams pure or 100-999 grams mixture |   | 100 gm or more pure or 1 kg or more mixture        |   |
| PENALTIES   |   |   |  |   |
| Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) | Any amount                                | <b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.<br><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.   |  |   |
| Flunitrazepam (Schedule IV)   | 1 gram                                    |   |  |   |
| Other Schedule III drugs  | Any amount                                | <b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.<br><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.   |  |   |
| All other Schedule IV drugs   | Any amount                                | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.   |  |   |
| Flunitrazepam (Schedule IV)   | Other than 1 gram or more                 | <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.  |  |   |
| All Schedule V drugs  | Any amount                                | <b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.<br><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.  |  |   |

## FEDERAL TRAFFICKING PENALTIES—MARIJUANA

| DRUG                     | QUANTITY  | 1st OFFENSE   | 2nd OFFENSE *  |
|--------------------------|---|---|--|
| Marijuana (Schedule I)   | 1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants   | Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. | Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana (Schedule I)   | 100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants  | Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  | Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana (Schedule I)   | More than 10 kgs hashish; 50 to 99 kg marijuana mixture<br>More than 1 kg of hashish oil; 50 to 99 marijuana plants                   | Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.                                     | Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.                                   |
| Marijuana (Schedule I)   | Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)<br>1 to 49 marijuana plants; | Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.   | Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.   |
| Hashish (Schedule I)     | 10 kg or less   |   |  |
| Hashish Oil (Schedule I) | 1 kg or less  |   |  |

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

### Massachusetts State Law

The legal drinking age in Massachusetts is 21 years. This means that you may legally consume, possess, transport, or procure alcoholic beverages only if you are 21 years of age or older. Anyone under 21 years of age who knowingly makes false statements of their age in order to purchase or in any way procure alcoholic beverages is subject to a fine of \$300 by the Commonwealth of Massachusetts. Anyone 21 years of age or older who procures alcoholic beverages for, or serves or sells alcoholic beverages to, anyone under 21 years of age, is subject to a fine of \$2,000, or six months' imprisonment. Be advised, it is illegal for anyone to consume alcoholic beverages in public (sidewalks, streets, parks, and so on).

According to Massachusetts G.L. c. 94C Sec. 32K, a person who knowingly causes, induces, abets a person under the age of eighteen to distribute, dispense or possess with intent to distribute or dispense any controlled substance or to accept, deliver or possess money used or intended for procurement, manufacture, distribution of any controlled substance shall be punished by 5 to 15 years in state prison and a fine of \$1,000 to \$100,000. Minimum 5 years imprisonment is mandatory.

### City of Salem Ordinance

Salem City Ordinance Sec. 24-19 prohibits any person from drinking any alcoholic beverages or carry or be in possession of any opened bottle or can containing an alcoholic beverage while in or upon any public way or any way to which the public has a right of access; any place to which members of the public have access as invitees or licensees; any park or playground; or any private land, building, structure or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this subsection shall be seized and safely held until final adjudication of the charge against the person arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession. The fine for drinking alcoholic beverages upon a public way shall be up to \$50.00.

**General Provisions of Alcohol Policy** (*exceptions to this policy may be granted for University-sponsored and approved events. Refer to section: Alcohol in University Residence Halls for specific alcohol policies within the residence halls*):

In an effort to encourage personal and academic growth of students and to provide an environment free of substance abuse to develop members of the Salem State community, alcohol advertisements and signage are not permitted in any campus building or property controlled by the University. Furthermore, persons and their belongings suspected of bringing alcohol into any campus building or property controlled by the University or persons suspected to be under the influence of alcohol may be subject to search and may not be allowed into the building or property.

Health Risks: Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Moderate to high doses of alcohol cause marked impairment in high mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome.

Due to associated health risks and to ensure students access support programs/services available, students who are transported to the hospital for suspected alcohol poisoning or placed in protective custody due to alcohol consumption will be subject to disciplinary action as outlined in the *Student Conduct Code* regardless of the student's age.

Students participating in study abroad or travel programs must abide by local laws regarding alcohol. Inappropriate student conduct (including but not limited to, intoxication, providing alcohol to others, etc.) while participating in study abroad or travel programs (including but not limited to, field trips, athletic competitions, student organization trips, etc.) may result in disciplinary action.

**General Provisions of Drugs Policy:**

The possession, use, consumption, transfer, manufacturing, sale, or distribution of illegal drugs, including marijuana, is prohibited by any student or guest of a student in any campus building or property controlled by the University (including residence halls).

Intoxication of person or being in the presence of illegal drugs in any campus building or property controlled by the University (including residence halls) is prohibited by any student or guest of a student.

Marijuana: The federal government regards marijuana as a Schedule 1 Controlled Substance, and possession of marijuana remains illegal under federal law. Salem State University prohibits the possession, use, consumption, transfer, manufacturing, sale or distribution of marijuana. On November 8, 2016, Massachusetts became the fifth state to vote to legalize the recreational use of marijuana. However, Salem State University's policy remains unchanged: the possession, use, consumption, cultivation, transfer, manufacturing, sale, or distribution of drugs, including marijuana, by students or guests of a student is prohibited. The policy complies with the requirements of the federal Drug-Free Schools and Communities Act. Under this federal law, as a condition of receiving federal funds, an institution of

higher education such as Salem State University must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on campus and as part of its activities and programs. Under federal law, this includes any amount of marijuana, regardless of the possession of a medical marijuana card.

State criminal laws on possessing, distributing and using illicit and prescription drugs and drug paraphernalia are in effect on the university's property, which includes an elementary school on north campus and a daycare center on south campus, and one adjacent to central campus. In addition, students are not permitted to use, sell, transfer, or possess medication prescribed to another person or sell or transfer their own medication to another person.

Drug paraphernalia is also prohibited in any campus building or property controlled by the University (including residence halls). Drug paraphernalia is defined as any equipment, product, material and/or ingredients that is/are used or modified for making, using, or concealing illegal drugs, including, but not limited to, pipes, smoking masks/screens, bong, hookahs, vape pens or roach clips. Certain scales, grinders, vials, and baggies may also be considered drug paraphernalia.

Persons and their belongings suspected of bringing illegal drugs into any campus building or property controlled by the University (including residence halls) or persons suspected to be under the influence of illegal drugs may be subject to search and may not be allowed into the building or property with the suspected package.

### **Alcohol in University Residence Halls:**

The University expects that all of its students abide by the law and abide by University regulations concerning alcohol use. Students who fail to comply with this policy will be subject to possible disciplinary action for violation of the Alcohol and Drugs Policy here and in the *Student Conduct Code*.

### **Who can consume alcohol? Who can bring alcohol into the residence halls?**

Those who are over 21 years old may consume alcohol in the residence halls. Only residents are permitted to bring alcohol into the hall they live in. See below for the limit of what individuals may possess at any given time.

### **Room Categories**

Wet – a room or apartment is considered “wet” if every person assigned to the room, or every person present in the room is at least 21 years old. Consumption of alcohol would be allowed provided students adhere to limitations based on amount (\*see “What alcohol can be consumed?”).

Dry – a room is considered “dry” if any person assigned to the room or present in the room is under 21. Consumption of alcohol would not be permitted by any persons regardless of age.

### **Where can you consume alcohol?**

- If you are 21, you may have alcohol in your residential space provided everyone in the space (i.e., room/suite/apartment) is 21 years old or older. Students are permitted to have alcohol in their room/suite/apartment, however if a student under the age of 21 enters a space where alcohol would normally be permitted, that space then becomes a “dry” space (see above for definition).
- Potential Conflicts with the *Student Conduct Code*
  - If a 21-year-old student consumes alcohol where underage students are present – the 21-year-old student could face policy violations related to providing to underage persons or hosting a party.

- If an underage student is present where 21-year-old students are consuming alcohol, the underage student could face policy violations related to being in the presence of alcohol or for consuming alcohol.
- Prohibited locations include, but are not limited to: campus buildings, common area lounges, hallways, stairwells, bathrooms, lobbies, parking lots, and outside grounds. Exceptions will be made under license conditions and approval by the University for specific locations.

### **What alcohol can be consumed?**

Residents who are 21 years old or older may *individually* have in their possession **no more** than the following amounts of alcohol **at any time**:

- 72 oz. of beer including wine coolers, hard ciders, twisted teas, and other 12 oz. bottles; **OR**
- 750 milliliters of wine; **OR**
- 200 milliliters of hard liquor
- No alcohol stronger than 80 proof is permitted. Limits apply to full, partially full, or empty alcoholic beverage containers.

### **What about alcohol paraphernalia?**

The university prohibits drinking paraphernalia, including but not limited to, drinking funnels, ice luges, and other items that encourage binge drinking. Furthermore, possession of a keg, beerball, and other central sources of alcoholic beverages are not permitted.

### **Can I host a party?**

The maximum number of people allowed in a space at any time is two guests per resident of the room that is present (i.e., in a six (6) person apartment, there can be no more than 18 people present). Large parties are not permitted and students who host parties, with or without alcohol, will be held accountable for any violations.

### **Am I responsible for my guests?**

Yes, any resident who invites a guest onto campus or into their room assumes the responsibility of ensuring that their guest will act in an appropriate manner, as well as abide by all university policies. Should the guest of a Salem State resident violate the alcohol and other drugs policy, the host student will also be subject to disciplinary action.

### **What other information do I need to know?**

The purchase or delivery of alcoholic beverages in the residence halls, gratuitously or for sale, to a person under the age of 21 is prohibited and shall constitute a major infraction of University regulations. Commercial deliveries of alcoholic beverages to the residence halls are prohibited.

Empty alcohol containers are considered a health violation and will be subject to possible disciplinary action. All students are asked not to store empty alcohol containers in their rooms and are expected to dispose of them in the designated recycling or trash areas.

### **Good Samaritan Policy**

Students experiencing an alcohol and/or drug-related medical emergency may receive amnesty through the Salem State University student conduct system when students or their friends or other persons (not University staff) are concerned about them and proactively seek medical assistance from University Police or Residence Life (or from local police if off-campus). This amnesty is offered at the discretion of the Community Standards office and may be extended to students who seek help from University Police or Residence Life (or from local police if off-campus) for another student provided they remain with the

student experiencing the medical emergency until medical assistance arrives. This policy does not preclude disciplinary action regarding other violations of University standards, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, etc. Students should also be aware that this University policy does not prevent action by local and state authorities. Students granted amnesty under this policy will be required to complete educational or other sanctions. Salem State University reserves the right to inform parents/guardians/emergency contacts when students receive amnesty.

Students whose pattern of behavior suggests the ongoing use of alcohol and/or drugs may not be granted amnesty. This policy is designed to save lives. The spirit of the Good Samaritan Policy is that we all have an ethical responsibility to help people in need. There is an expectation that students will take active steps to protect the safety and well-being of our community. Students found in violation of the alcohol policy through report of a sexual assault, psychological or medical emergency will not be automatically subject to the minimum sanction. Such sensitive situations will be handled on a case by case basis.

### **University Disciplinary Sanctions for Alcohol and Drug Violations**

Often students ask what the university disciplinary sanctions are for violating the Alcohol and Drugs Policy. Sanctions are generally a combination of disciplinary and educational/corrective sanctions with the goal being that the University first strives to educate students about acceptable behavior while also holding student accountable for their misconduct. In determining sanctions, hearing officers may consider student’s present demeanor, past disciplinary record, the nature of the misconduct, and the severity of any damage, injury or harm resulting from the misconduct or other factors. Students who do not complete the educational sanctions by the deadline may receive a hold on their account. Holds on the account may prevent the student from registering for classes, graduating, and signing up for housing.

In compliance with the Drug Free Schools and Communities Act Amendments of 1989, the Community Standards office publishes the following procedural guidelines to violations of the alcohol and other drugs policy:

|   |  |
|---|--|
| <i>First violation may include:</i>   | Written warning<br>Alcohol and/or Drug Education   |
| <i>Second violation may include:</i>  | Disciplinary Probation<br>Engagement Hours or Community Service<br>Alcohol and/or Drug Education<br>\$100 fine (for alcohol) |
| <i>Third violation may include:</i>   | Range from university probation to suspension/expulsion from the residence halls or the university                           |
| <p><b><i>Notes:</i></b><br/> <i>Depending on the situation, a sanction can be more or less severe. In addition, sanctions are determined by considering the nature of the misconduct, student’s conduct history, and mitigating or aggravating factors.</i></p> <p><i>Student found in violation of the alcohol and drugs policy through report of a sexual assault, psychological or medical emergency will be handled on a case by case basis. In addition to the above institutional sanctions guideline, students who violate the alcohol and other drugs policy may be subject to criminal penalties provided by federal, state, and local laws.</i></p> |  |