Substance Use Policy

Administrative Division: Student Affairs, Human Resources
Responsible Unit: Student Affairs and Human Resources
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Who Should Read this Policy: Students, Employees, Guests, Alumnae/i Effective Date: July 1, 2022

Policy Statement

Saint Elizabeth University (SEU) strives to provide an environment that is (a) reflective of our Catholic identity, mission and core values, and (b) conducive to the health, education and wellbeing of each member of our community, and (c) in compliance with all applicable federal, state and municipal laws. In light of this, the University recognizes its responsibility, and the responsibility of each person within the University community, to conduct themselves in accordance with University policy and state and federal law. The adverse consequences of the misuse and abuse of alcohol and other drugs represents one of the most serious problems on University campuses today. Thus, we take seriously our commitment to maintaining a healthy and safe campus environment that includes the prohibition of alcohol and other drugs. We are committed to an environmental management approach that includes education, prevention, intervention, enforcement, treatment, and recovery support. Saint Elizabeth University recognizes that substance abuse may be a symptom of deeper personal and emotional difficulties. Information and counseling about this problem are available on a confidential basis to students through the Counseling and Health Centers or to employees through the Human Resources Office. In an ongoing effort to provide education and information relating to substance abuse, the University will annually provide substance abuse awareness programs. Each year the Substance Use Policy will be distributed to all students and employees and will be reviewed every two years.

When students choose to accept admission to Saint Elizabeth University, they accept the rights and responsibilities of membership in the University's academic and social community. The University expects all members of the community to take responsibility for their own actions and

to act to reduce risks of harm to themselves and to others. Moreover, the University expects every member of our community to use good judgement, common sense, and compassion for one another.

The misuse and abuse of alcohol and other drugs constitutes a threat to the educational mission of the University. Saint Elizabeth University seeks to provide an environment that respects the rights of those who choose not to consume alcohol or other drugs for any reason. This includes encouraging healthy lifestyles that prevent and discourage underage drinking. Thus, specific procedures have been developed for responding to the use of alcohol and other drugs and will be strictly enforced.

Awareness of this policy is an important component of reducing harm. All members of the University community are responsible for being fully aware of the requirements of University policies related to alcohol and other drugs as well as local, state, and federal laws regarding alcohol and other drugs.

The University is committed to raising awareness about the potential negative consequences of alcohol and other drug use including substance use disorders. Education is an intrinsic component of the University's commitment to reduce or eliminate the harm caused by excessive alcohol and other drug use. In addition, the University recognizes that addiction is a treatable illness and encourages anyone who may have a substance use disorder to seek treatment. This policy is not designed to be punitive for individuals seeking treatment. This policy should not be a barrier to individuals getting help for themselves or for others.

It should be noted that although New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (CREAMMA) signed into law on February 22, 2021, permits the use of marijuana in certain circumstances, the federal laws concerning cannabis have not changed. Under the Controlled Substance Act, cannabis is still categorized as a Schedule One drug and still prohibits marijuana use, possession and distribution at educational institutions receiving federal funds. Therefore, the use, possession or distribution of marijuana, for any purpose, is prohibited on in University housing, University property, and at University-sponsored events and activities, whether or not such use would be permissible under New Jersey law.

Accordingly, like alcohol, tobacco and other controlled substances that may be permissible under state law are restricted by Saint Elizabeth University's policies. The University will not permit the possession, use, manufacture, cultivation, dissemination, or storage of recreational or medicinal cannabis on University property. As a higher education institution, property owner, and recipient of federal funds, the University has not only the authority, but the legal obligation to prohibit cannabis on-campus and at University events.

Purpose of Policy

To remain compliant with the following laws governing use/abuse of controlled substances and to ensure a safe place to live, work, and study.

1. SIGNIFICANT FEDERAL LAWS PERTINENT TO THIS POLICY:

- *The Drug Free Campus and Community Act* requires all institutions of higher education to develop and implement drug and alcohol abuse prevention programs. Failure to comply can result in considerable fines. There is a biannual requirement to file a report with the federal government and an annual requirement to notify students and employees of relevant policies and resources available regarding substance abuse. The change in New Jersey law will not affect the University's compliance requirements under this Act.
- *The Drug Free Workplace Act* is a federal act that requires all federal contractors and grantees to agree to maintain drug-free workplaces as a condition of receiving federal contracts or grants. This means that if the University liberalizes its policies regarding the use of cannabis in the workplace, it could put SEU's federal grant funding at risk. Since federal law, as mentioned above, considers cannabis to have no current medical use, the drug free workplace restrictions would apply to medical cannabis as well as recreational cannabis.

2. STATE OF NEW JERSEY:

The New Jersey Comprehensive Drug Reform Act of 1987 (N.J.S. 2C: 35-1 et seq) created new offenses, increased penalties for some existing offenses to "ensure the imposition of stern, consistent punishment for all drug offenders," and transferred the enforcement of all drug related crime into the Code of Criminal Justice. Subsequent laws have amended the original laws leading to harsher penalties for certain offenses.

The *Drug Free School Zone* statute, or N.J.S.A. 2C:35-7 applies to distribution or intent to distribute drugs at any of the following locations:

- Any school property that is used for school purposes, including school buildings, playgrounds, and housing facilities.
- Within any school bus.
- Within 1,000 feet of any school property or school bus.

Saint Elizabeth University falls under this statute as the Academy of Saint Elizabeth (a private allgirls high school) is located on the same campus as the University.

Good Samaritan Emergency Response Act (A578). This Bill eliminates criminal liability for persons who seek medical assistance in response to drug overdoses. This Bill grants immunity from prosecution from any evidence obtained as a result of calling 911 to seek medical assistance for a drug overdose. The law is intended to increase the likelihood that persons who witness a drug overdose will seek help for that individual by removing the fear of subsequent prosecution.

SIGNIFICANT LAWS GOVERNING USE/ABUSE OF ALCOHOL

All states carry "ZERO TOLERANCE" laws that target drivers under the legal drinking age. These laws penalize persons under 21 for operating a vehicle with any trace of alcohol in their systems (a BAC above 0.0), or with negligible BAC levels such as .01 or .02 percent. Saint Elizabeth University abides by all New Jersey state laws regarding the use and prohibition of alcohol, including but not limited to:

- Driving While Intoxicated (N.J.S.A. 39:4-50);
- Refusing The Breath Test (N.J.S.A. 39:4-50.4a) (39:4-50.2e);
- Driving On A Suspended License;
- Open Container Law;
- Underage Possession/Consumption Of Alcoholic Beverages;
- Possession/Consumption (2c:33-15);
- Purchase (N.J.S.A. 33:1-81);
- Service To Underage (2c:33-17);
- Transfer Of I.D. (N.J.S.A. 33: 1-81.7);
- Manufacturing False I.D. (N.J.S.A. 2c: 21-2.1);
- Host/Hostess Liability (N.J.S.A. 2a: 15-5.6);
- Lifeline Legislation (P.L. 2009, C.133).

SIGNIFICANT STATE LAWS GOVERNING SALE OF TOBACCO OR SMOKING DEVICES

As of November 1, 2017, Section 3 of P.L. 1999, c.90 (C.2C:33-13.1) is amended to read as follows: A person who sells or gives to a person under 21 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product, including an employee of a retail dealer licensee under P.L. 1948, c. 65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a tobacco product or electronic smoking device to a person under 21 years of age shall be punished by a fine as provided for a petty disorderly person's offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly person's offense.

All students and employees should be aware that the use of tobacco, alcohol, and/or other drugs can have negative health implications and can often result in chronic physical ailments and chemical dependency, as well as permanent injury or death.

The Policy

In accordance with federal, state and local legislation, as well as the University's mission and values, the University prohibits the unlawful manufacture, distribution, dispensation, possession,

sale or use of the following substance or items on University property or on-campus or off campus University sponsored activities:

- illegal drugs;
- controlled substance analogs;
- prohibited drugs; or
- drug-related paraphernalia.

The University also prohibits the intentional misuse of over-the-counter products or prescription medication taken to obtain a state of intoxication. This also applies to employees, guests and alumnae/i while on campus.

In addition, no employee, student or guest under the age of 21 is permitted to possess, consume or offer for sale any alcoholic beverage on-campus or as part of a University activity on or off campus, nor shall such underage person enter any facility with the intent to acquire, possess or consume any alcoholic beverage. A student, employee/ or guest of age 21 or older shall not give or offer any alcoholic beverage to a person under the age of 21, nor shall such person assist or allow a person under the age of 21 to acquire or consume an alcoholic beverage.
Alcoholic beverages may be consumed, sold or possessed by students over the age of 21 only on those occasions or in those areas approved in writing by the Vice President for Student Life. If permission is given, the consumption, sale and possession of alcoholic beverages must be confined to those areas designated for the event by the Vice President for Student Life. Permission also implies that those organizing the event are responsible for ensuring that only those of legal drinking age are served by TIPS/TAMS trained bartenders to ensure compliance with this policy. They must also assure that an adequate supply of non-alcoholic beverages and food must be sold or served at the event, and that no event shall include any form of "drinking contest" in its activities or promotion. Finally, alcohol, whether in open or closed containers, may not be transported or served on or around any vehicle which provides authorized transportation to and/or from campus, e.g., bus trips for athletic, social or educational purposes.

Unless a liquor license is secured from the State of New Jersey Division of Alcoholic and Beverage Control (ABC) and issued through the Borough of Florham Park, alcohol will not be permitted at University events or parties open to students or guests under the age of 21.

Alcohol in Residence Halls:

- No person under the age of 21 shall consume, possess or purchase alcohol in the Residence Halls.
- Students of age 21 or older may consume alcohol in their residence hall room, but such activity may not infringe upon the rights of others to sleep, study or engage in appropriate activities.
- People under the age of 21 are not allowed in Residence Hall rooms where alcohol is being consumed.

- No kegs, beer balls or other common sources of alcohol (punchbowls, trashcans etc.) or drinking games are permitted in the Residence Halls.
- All guest policies apply when students are gathered.

Saint Elizabeth University reserves the right to establish drug and/or alcohol search and screening procedures consistent with applicable federal, state and municipal laws and where deemed necessary. Illegal items, including alcohol and drug paraphernalia, found "in plain sight" will be confiscated and appropriately discarded by authorized personnel including, but not limited to, Senior Residence Life staff, the Director of Security or a police officer, if they respond to an incident.

Procedures to Implement this Policy

Any student found in violation of any tenet of this policy (through legal room/bag searches, public intoxication, possession etc.) will be referred to the Student Conduct office for investigation. Using a preponderance of evidence standard, if the student is found responsible for the violation they will be sanctioned. If a student's guest is found responsible for a policy violation, the student host will be referred to Student Conduct and may be held responsible for their guest's actions.

Employees found responsible will be referred to the Human Resource Office for disciplinary action and/or referral to assistance.

Furthermore it should be known that:

1. When a person's actions may be attributed to the use of drugs or alcoholic beverages, this shall not in any way limit the responsibility of the individual for the consequences of one's actions, nor shall voluntary alcoholic consumption or drug use be an excuse or justification for improper actions. If any damage to property or person results, the user will be held financially and/or legally responsible. Should the actions of the individual violate another campus policy or community standard (e.g. Title IX/Sexual Misconduct, noxious odors etc.) that issue will be treated separately according to the relevant policy.

2. Individuals possessing, using, distributing, selling or manufacturing illegal substances may be subject to mandatory penalties prescribed by federal, state or local legislation.

3. Any violation of policy or procedures, which occurs while an event is in progress, may subject the violator to immediate removal from the area.

4. Violations by persons who are not members of the University community may result in their being barred from the campus or from specific facilities and/or functions and/or being subject in the future to arrest for trespassing.

5. When violations or other incidents occur at events, which in the judgment of University officials constitute a threat to life or property or which create a substantial risk to life or property, the event may be terminated immediately.

6. Lifeline Legislation provides immunity from prosecution when the steps below are followed. If a young person is suspected of alcohol poisoning and their friend(s) want to help them, they must:

1. *Call for Help*: One of the underage persons call 9-1-1 and reports that another underage person needed medical assistance due to alcohol consumption. The underage person is the first person to make the 9-1-1 report;
2. *Stay with your Friend*: The underage person (and, if applicable, one or two others acting in concert with the underage person who made the 911 call) remains on the scene with the underage person in need of medical assistance, AND
3. *Talk with Authorities*. The underage person who called 911 (and if applicable, one or two others who were acting in concert with the caller) provide each of their names to the 911 operator and cooperates with medical assistance and law enforcement personnel on the scene.

The underage person who is receiving medical assistance is also immune from prosecution. This immunity applies on public and private property.

Sanctions for Violations by Individual Students

Students who are found responsible for a violation of the Substance Use Policy are subject to a monetary fine as follows:

First Violation:	$ 250.00
Second Violation:	$ 500.00
Third Violation:	$ 1000.00

Violations are considered to be cumulative over the time of attendance at the University. All fines are payable within 10 working days of issue of the notice of violation.

In addition to monetary fines, other sanctions may be applied, depending upon the nature of the violation and the circumstances. They included the following:

- referral to Counseling;
- mandatory Counseling;
- community service;
- revocation of the privilege to consume alcohol on campus (if over 21);
- revocation of the privilege to attend campus functions;
- removal from student leadership positions or athletic teams for a specified period of time.

Serious violations and/or repeated violations:

- mandatory counseling;
- community service;
- revocation of the privilege to consume alcohol at campus functions;
- revocation of the privilege to attend campus functions;
- disciplinary probation;
- temporary or permanent removal from the residence halls (with continuation of any of the above upon return);
- expulsion from the University.

Students found responsible for violations are afforded one level of appeal per the Code of Conduct. Criteria, procedures and timelines for appealing a sanction will be provided by the Student Conduct Officer.
The Director of Human Resources has overall responsibility for initiating progressive discipline Processes assistance for employees found in violation of the policy.

Definition(s)

Alcoholic beverage: Any liquid beverage containing at least one (1) percent of alcohol by volume, including methyl and isopropyl alcohol that is not intended for human consumption.

Area under the jurisdiction: Includes all on- and off-campus property owned, occupied, leased, or used by the University or a recognized student organization. Leased indoor and outdoor spaces or spaces occupied with a user permit, license, or contract for the conduct of performing University business are also included in this category.

Controlled substance: A drug or chemical substance whose possession and use are controlled by Title 21, Section 812, Schedules I through V of the United States Code (also known as the "Controlled Substances Act"). This includes, but is not limited to, narcotics, depressants, hallucinogens, stimulants, and other substances commonly or collectively known as "illicit drugs."

Illicit drug: A type of controlled substance that is imported, grown, or manufactured illegally. This includes, but is not limited to, heroin, cocaine, amphetamines, ecstasy, marijuana (over 6 oz.), methamphetamine, and LSD.

Legally prescribed medication: Includes drugs prescribed by a licensed practitioner and over-the counter drugs that have been legally obtained and are being used in the appropriate amount solely by the individual and for the purpose for which the medication was prescribed or manufactured.

Manufacture: The production, preparation, propagation, compounding, conversion, or processing of a controlled substance or alcohol. This does not include manufacturing for the intended purpose of scholarly research.

Medical marijuana: The use of cannabis or marijuana, including constituents of cannabis, THC and other cannabinoids, as a physician-recommended form of medicine or herbal therapy. Other drugs: Controlled substances and tobacco (including electronic smoking devices).

Possession: Knowing or intentionally possessing a controlled substance and/or having direct physical control over a controlled substance.

Student: Any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded their degree from the University. The term student may also include any person who is a non-matriculating or visiting student.

Student organization: Any identified group of students who have complied with the formal requirements for University recognition and affiliation.

University-sponsored activity: Any academic, co-curricular, extra-curricular, or other activity on or off campus, which is initiated, aided, authorized, or supervised by a student organization.

Under the influence/impairment: Defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one's speech, being argumentative, or being incapable of performing the functions typically associated with being a student, and when such conduct is reasonably related to a students use of alcohol or controlled substances.

Policy History

Date	Description (Review, Revision, Approval)	Approved/Reviewed By	Effective Date
06/03/2022	Approval	Board of Trustees	7/1/2022

Policy Location(s)

- President's Office
- Academic Affairs
- Human Resources
- https://my.steu.edu/policies
- https://www.steu.edu/advancement/grants-office/policies/substance-use-policy

All policies are subject to amendment. Please refer to the Saint Elizabeth University Policy Library website (https://my.steu.edu/policies) for the official, most recent version.