

2008-2009

Responding to the Use, Possession, and Distribution of Alcohol and Other Drugs Within the University's Wellness Paradigm

A) Guiding Philosophy and Approach

The University considers the abuse or inappropriate use of alcohol and other drugs to be hazardous to an individual's health and safety and an impediment to his/her academic and personal success. Furthermore, the behavior frequently associated with the use of alcohol and other drugs can be disruptive and can compromise the interests of others within the University community. Therefore, the University views the use/abuse of alcohol and other drugs as a matter of personal and community wellness and believes that any such behavior warrants decisive intervention within the University's Wellness Paradigm.

The University's response to incidents involving the use, possession, or distribution of alcohol and other drugs within the University community is formulated on a case-by-case basis. In doing so, the University strives to balance the interests of individual students who may be engaged in the use, possession, or distribution of alcohol or other drugs with that of the larger community that may adversely be affected by such behavior. Depending upon the nature of the circumstances, the University may elect to implement educational, administrative, medical, counseling, disciplinary action, or a combination of interventions. In addition, in appropriate cases, the University may (in accordance with the Federal Educational Rights and Privacy Act - FERPA) choose to contact parents or legal guardians of students who have violated University policies on substance abuse. Finally, students are urged to be mindful of the fact that they are subject to all federal, state and local laws related to the use, possession, and distribution of alcohol and other drugs – whether on or off the campus – and the University reserves the right to involve local law enforcement agencies as the situation warrants.

B) Key Initiatives

The University has implemented a comprehensive set of interventions to address the issue of the use, possession, and distribution of alcohol and other drugs among students. Such initiatives include:

- 1) The creation of a campus coalition to unify and implement intervention initiatives through the expansion of the role of the Student Health Advisory Committee, a group comprised of representatives from various academic, administrative, and student affairs units.
- 2) Strategic efforts to reduce access to alcohol and other drugs on campus.
- 3) A comprehensive and culturally sensitive set of educational, preventive, and treatment-based initiatives designed to promote awareness of the issues of substance abuse, encourage positive behaviors, foster interpersonal skill development, and familiarize students, parents, faculty, and staff with campus resources. The University offers a wide range of presentations by healthcare professionals as well as peer education programs, and an award winning campaign utilizing technology to reach out to the University community on issues of alcohol and substance abuse.

- 4) Support for students who may be struggling with an alcohol or other drug problem through the use of the Wellness Exchange to facilitate referral and access to an array of campus mental health and medical services including opportunities for one-on-one consultation/counseling related to issues of substance abuse. The University has an open door policy regarding treatment for those who voluntarily seek help from health and mental health professionals for an issue associated with substance abuse. Confidentiality in these circumstances will be protected in accordance with University policy and applicable law (e.g. FERPA, HIPAA, etc.).
- 5) Efforts to modify the assumptions of students about the relationship between alcohol and other drugs and campus life.
- 6) Policies incorporating the notification and involvement of parents/families, as appropriate, to partner with them in addressing students about whom we are concerned.
- 7) The utilization of data to understand the scope of the problem, inform intervention strategies, and measure success.
- 8) Enforcement of University policies regarding the use, possession, and distribution of alcohol and other drugs.

C) Reporting the Possession, Use, and Distribution of Alcohol and Other Drugs

1) Reporting a Personal Concern:

Students who have concerns about their personal use of alcohol and/or other drugs, or students who are concerned about a friend's use, are encouraged to seek assistance through one of several University support services that may be accessed through the University's Wellness Exchange by calling (212) 443-9999. Confidentiality in these circumstances will be protected in compliance with University policy and applicable law (e.g. FERPA, HIPAA, etc..)

2) Health and Safety Related Emergency Considerations

The University recognizes that there may be health or safety emergencies related to alcohol or substance use in which the potential for judicial action by the University may serve as a deterrent to students who want to seek assistance for themselves or others in the NYU community.

Please know that NYU's first priority is the health and safety of all its students. We therefore strongly encourage students to act responsibly when faced with a potential health emergency and/or substance-related medical concern by getting help for themselves or friends whenever they feel that their health and/or safety is at risk.

Because the University has a concern and responsibility for preserving the well-being of all members of our community, all issues of substance abuse must be addressed. Given this important responsibility, while it is impossible to guarantee that no action will be taken should such an incident be reported, the University can consider a variety of formal responses to an incident. Accordingly, the University typically will not impose any judicial/disciplinary action for students who voluntarily request assistance for themselves or others in relation to a health and/or safety concern involving alcohol or substance use. In these instances, the University will likely address the possession and/or use of the substance by requiring health and mental health evaluations and/or educational

interventions for the appropriate parties involved. However, should a student who requests assistance in such a situation also have engaged in any related illegal or violative actions such as vandalism, injury to others, or the distribution of drugs, that behavior will not be exempt from judicial action. Furthermore, students also are advised that, in the absence of extraordinary circumstances, this dispensation will be applicable one time only. Should that same student be involved in any subsequent incidents involving alcohol/substance issues, the matter will be assessed on a case by case basis and the University may utilize the full range of available responses, including health, educational, and administrative interventions as well as judicial/disciplinary sanctions, to address the possession and /or use of such substances.

In formulating its response to any incident of alcohol/substance abuse, the University will always consider, on a case-by-case basis, the unique nature of the incident and the roles of those who may have been involved. In particular, one's willingness to intervene in medical emergencies and/or to be proactive in addressing a serious substance issue, in spite of his/her concerns about the potential consequences of disciplinary action, will be taken into strong consideration. Other influential factors may include the student's prior judicial history, access to a responsible social support network (parents, adult siblings, etc.), willingness to access resources, and openness to engage in a thoughtful dialogue about the behavior(s) in question. Given the nature of the situation, the circumstances of those involved, and the interests of the University community, every effort will be made to consider the applicability of education, treatment and future prevention in lieu of, or in combination with, judicial interventions as components of a comprehensive response.

Students with questions regarding NYU's Emergency Considerations policy may send an email, anonymously if they prefer, to <wellness.exchange@nyu.edu>.

3) **Reporting to a University Official**

Any member of the University community who feels that a student's possession, use, or distribution of alcohol or other drugs places that student or the University community at risk, and who wishes the University to intervene is encouraged to report the situation to one of the following officials:

- Department of Public Safety
- Student Affairs officials: Vice President, Assistant Vice President for Student Affairs, Director of Student Activities, Coordinator for Greek Life, Director of the Student Resource Center, and the Director of Judicial Affairs.
- Deans of Students in the Schools and Colleges
- Residence Hall officials: Assistant Vice President for Residential Education, Director of Administration for Residential Education, Associate Director for Residential Education, Assistant Director for Residential Education, Community Development Educators, and Assistant Community Development Educators.
- Athletics Department officials: Director of Athletics and Coaches.

When allegations of the distribution, use, and/or possession of alcohol and other drugs in violation of University policies or federal, state, or local laws are presented to University officials (i.e. administrators, faculty, and staff members) who are not health and/or mental health professionals, the University may act on that information, including using it in disciplinary or administrative responses in accordance with the nature and severity of the circumstances including the preferences of the individual making the report, the well-

being of the student whose behavior is of concern, and the interests of the University community. If the information is credible, the University will endeavor to identify and confront student/s who are illegally possessing, using, abusing, and/or distributing drugs or alcohol. In doing so, the University will attempt to maintain the confidentiality of the complainant's identity consistent with the goal of conducting a thorough and complete investigation. While every effort will be made to preserve the privacy of all persons involved, anonymity cannot be promised when the information is disclosed to a non-confidential source and/or when the well-being of an individual student or of the University community is at serious risk.

D. Guidelines for Disciplinary Interventions

1) Distinctions Among Use, Possession and Distribution

The University will draw distinctions between the possession, use, abuse, and distribution of alcohol and of illegal drugs and will take decisive and potentially more severe action, in matters involving the distribution of illegal drugs. The University will consider various factors when determining its response to cases involving the distribution of illegal drugs including the type of substance being distributed and the nature and magnitude of the distribution. Removal of a student from the residence halls and/or suspension or dismissal from the University are likely outcomes where it is determined that a student is engaged in the distribution of illegal drugs. (see section C: "Guidelines for Responding to Alcohol and Other Drug Violations"; section D: "Definitions of Violations" and section E: "Definitions of Responses and Sanctions").

2) Types of Interventions

The following chart reflects possible options the University may exercise and relevant outcomes when responding to certain types of alcohol or other drug violations. Actual responses and sanctions may vary in accordance with the unique circumstances of each case. When appropriate, the University will consider involving and/or referring a matter to governmental agencies, including law enforcement agencies.

Nature of Behavior	Responses for Initial Violation May Include:	Responses for Repeat Violations May Include:
<p>Possession or use of alcohol or other drugs in violation of University policy or federal, state, or local law</p> <p>(* see below)</p>	<ul style="list-style-type: none"> • Written Warning • Campus Service • Probation • Educational Project • Voluntary referral for counseling or education 	<ul style="list-style-type: none"> • Campus Service • Probation • Educational Project • Mandatory Health Referral or Evaluation • Residence Hall reassignment (if res hall student) • Suspension from Residence Hall (if res hall student) • Parental Notification • Restriction of Privileges • University Level Disciplinary Action (in addition to Res. Ed. sanctions - depending upon the circumstances)
<p>Possession or</p>	<ul style="list-style-type: none"> • Written warning • Campus Service 	<ul style="list-style-type: none"> • Campus Service • Probation

<p>use of alcohol or other drugs in violation of University policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the University community, repeated offenses)</p> <p>(* see below)</p>	<ul style="list-style-type: none"> • Probation • Educational Project • Restriction of Privileges • Mandatory Health Referral or Evaluation • Notification of Dean • Parental Notification • Residence Hall Reassignment (if res hall student) • Deferred Suspension from Residence Hall (if res hall student) • University Level Disciplinary Action (in addition to Res. Ed. sanctions - depending upon the circumstances) 	<ul style="list-style-type: none"> • Educational Project • Restriction of Privileges • Mandatory Health Referral or Evaluation • Notification of Dean • Parental Notification • Residence Hall Reassignment (if res hall student) • Suspension or Dismissal from Residence Hall (if res hall student) • University Level Disciplinary Action (in addition to Res. Ed. sanctions - depending upon the circumstances)
<p>Distribution, or intent to distribute, a controlled substance in violation of University policy or federal, state, or local law</p> <p>(* see below)</p>	<ul style="list-style-type: none"> • University Level Disciplinary Action (in addition to Res. Ed. sanctions - depending upon the circumstances) <p>(response to be determined pending the circumstances)</p>	<ul style="list-style-type: none"> • University Level Disciplinary Action (in addition to Res. Ed. sanctions - depending upon the circumstances) <p>(response to be determined pending the circumstances)</p>

3) Definitions of Violations

Possession: Unlawful holding or controlling of alcohol, other drugs, or associated paraphernalia.

Use: Unlawful personal use of alcohol or other drugs.

Abuse: Repeated unlawful use of alcohol or other drugs; or use accompanied by other aggravating behavior, including but not limited to:

- Disorderly, disruptive, or aggressive behavior that interferes with the well-being, safety, security, health, or welfare of the community and/or the regular operations of the University

- Engaging in, or threatening to engage in, any behavior that endangers the health, safety or well-being of oneself, another person, or property;
- Physical violence, actual or threatened, against any individual or group of persons

Distribution: The unlawful sale, exchange, or giving of alcohol or other drugs to one or more persons. Factors that will be considered when determining the University's response include, but are not limited to:

- The health and wellness of the responsible student;
- The interests of the University;
- The impact on the community;
- The type, quantity, and packaging of the substance;
- The number of persons to which the substance was distributed;
- The amount of revenue associated with the distribution;
- The existence of any other aggravating or extenuating circumstances;

4) Definitions of Responses and Sanctions

- a) **Residence Hall Related Sanctions:** (may be applied only to students who reside in on-campus housing)

Written Warning: A written summary of the violation is issued to the student and placed in the student's file with the appropriate office.

Probation: The student is placed on this status for a specified period of time, during which he/she is expected to hold a heightened awareness of his/her behavior. A behavioral violation during the probationary period may result in more serious disciplinary sanctions.

Residence Hall Reassignment: A residential student is removed from his/her current room and reassigned to a different room within the University Housing system.

Deferred Suspension from Housing: A residential student is placed on this status for a specified period of time as a final opportunity to display appropriate behavior. If any behavioral violation occurs while a student is on a Deferred Suspension, the student will be immediately suspended from University Housing.

Suspension from University Housing: The residential student is directed to vacate University Housing immediately and is prohibited from returning for a specified period of time.

Referral to the Division of Student Affairs: The case is referred to the Director for Judicial Affairs in the Office of the Vice-President for Student Affairs. When this is done, disciplinary action may be taken at the University level in accordance with the Rules for Maintenance of Public Order, as set forth in the New York University Student's Guide. Referral may be made as an alternative or in addition to the residential judicial procedures, if applicable.

b) **General and University Level Sanctions:** (may be applied to all students)

Educational Project: The student is assigned a project designed to increase awareness about alcohol or other drugs and one's responsibilities within the community. Common educational projects include short reflection papers or creating community awareness materials.

Campus Service: The student is required to complete a specified number of hours of service to the University community. A specific administrator is designated to coordinate the service and ensure its satisfactory completion.

Persona Non Grata: The student is prohibited from entering a specified campus building for a designated period of time.

Mandatory Health Evaluation: The student is required to participate in individual sessions with a professional staff member from the Student Health Center to assess the circumstances of his/her use of alcohol and other drugs for the purpose of determining whether such use represents a significant hazard to the health and safety of that student or other members of the University community. The student and staff member will discuss health and wellness issues related to the student's use of alcohol and/or other drugs and collaborate to develop strategies for making more effective and healthy decisions. The results of the evaluation may be shared with University administrators and considered in determining the University's response, as appropriate.

Parental Notification: In an effort to provide support or assistance to students, the University (in accordance with the Federal Educational Rights and Privacy Act - FERPA) may notify the parents or legal guardians of students who have violated University policies or federal, state, or local laws pertaining to alcohol or other drugs or in situations in which there is a health and safety emergency. The decision to notify parents or legal guardians will be made according to the professional judgment of the appropriate staff. Whenever possible, students will be consulted in the notification process. The primary goal of notifying parents or legal guardians is to promote the health and wellness of the student and others in the community.

Referral to Law Enforcement Authorities: The University reserves the right to refer any case that involves criminal activity to local law enforcement agencies. The decision to notify such agencies shall be made by senior administrators of the University.

Warning: A notice to the student, orally or in writing, that continuation or repetition of the conduct found wrongful, or participation in similar conduct, within a period of time stated in the warning, shall be a cause for disciplinary action.

Censure: A written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of a University regulation within a period of time stated in the letter of reprimand.

Disciplinary Probation: Exclusion from participation in privileges or University programs and activities as set forth in the notice of disciplinary probation for a specified period of time.

Restitution: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

Monetary Fine: For any offense.

Suspension/Restriction of Privileges: Exclusion from extracurricular activities or other privileges as set forth in the notice of disciplinary probation for a specified period of time. (eg. sign-in guests to a residence hall, participate in a student club activity or event, etc.)

Suspension from the University: Exclusion from classes and all related student privileges as set forth in the notice of disciplinary probation for a specified period of time.