



Nichols College

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## Nichols College Drug Policy

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Effective Date: August 28, 2015

Last Revised: July 1, 2019

Use, possession, or distribution of narcotic or dangerous drugs as defined by state and federal laws is expressly forbidden. The College strives to maintain a drug-free campus where the physical and mental health of the student enables growth and development. To that end, Residence Life staff and Public Safety personnel are responsible for reporting evidence of such activity to the proper authorities for appropriate action. It is the responsibility of each member of the Nichols College Community to understand and comply with these guidelines.

### Section I: Town of Dudley Bi-Law Regarding Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Students are subject to a citation from Dudley Police should an individual be found in violation of the above bi-law. Please note that while possession of under an ounce of marijuana for individuals over the age of twenty-one (21) has been legalized in Massachusetts, it is a violation of Nichols College Policy to be in possession of any amount of marijuana. In addition, the state constitutional amendment authorizing individuals over the age of 21 to recreationally use marijuana does not change this prohibition or authorize a student to use marijuana even use for medical purposes. Federal law, including the Drug Free Schools Act, continues to prohibit marijuana. Thus marijuana use, even if in compliance with Massachusetts State Law, is prohibited on campus.

## Section II: Definitions

The following terms shall mean:

Consumption: to take into the human body

Controlled Substance: a drug or chemical whose manufacture, possession, or use is regulated by the government.

Drug: any stimulant, intoxicant, chemical compound, depressant, or combination that affects the central nervous system and is used to induce an altered state. This includes items that are otherwise lawful and lawfully available. (Example, prescription drugs or household products)

Drug Paraphernalia: equipment, products and/or materials of any kind which are used, intended for use, or designed for use while inhaling, injecting, ingesting, or otherwise introducing into the human body a controlled substance. Also to include items used in growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, or weighing.

Manufacture: the production, preparation, compounding, conversion, or processing of a drug or controlled substance

Possession: the knowing or intentional possession of a controlled substance or alcoholic beverage, or having direct control over the substance or beverage

Presence: in the vicinity or location

## Section III: Medical Marijuana

Although the Commonwealth of Massachusetts passed state legislation allowing the use of marijuana for medicinal purposes, Nichols College does not allow the use or possession of marijuana on campus, at any location, event, or College-sponsored activity. Nichols College complies with the Federal Drug Free Schools and Communities Act by prohibiting the use of controlled substances, including marijuana. Therefore, the possession or use of marijuana on its campus, for any reason, is a violation of Student Code of Conduct. See Medical Marijuana Policy for full details.

## Section IV: THC and Edibles

The possession and/or use of substances containing THC (tetrahydrocannabinol) is considered to be the same as possession and/or consumption of marijuana. The term **edibles** refers to any foods, candies, baked goods, or drinks that contain cannabis/THC in some form that can be ingested, rather than smoked or vaporized. In the event that a Nichols College administrator believes that an individual is in possession of or has consumed marijuana/THC, all items will be confiscated and destroyed. The individual will be referred to the Office of Community Standards.

## Section V: Charges and Sanctions

For definitions of sanctions please see the Code Sanctions section of the Student Code of Conduct . Drug violations are cumulative throughout the student's time at Nichols College. Sanctions are assessed based on the number of times a student was found responsible for a drug violation.

*Note: Parent(s) and/or Legal Guardian(s) will be notified of all drug offenses.*

### Minor Drug Policy Violations and Sanctions

#### 7.f. In the presence of marijuana

Students who are found to be in a room or location where marijuana use is occurring will be held liable for violating the Nichols College Drug Policy.

##### **First Violation**

- Written Warning

##### **Second Violation**

- Probation (16 academic weeks=the equivalent of 1 semester )
- Educational
- \$100 Fine (assessed to the Student's Account )
- Parent/Guardian Notification

##### **Third Violation**

- Probation (1 calendar year)
- Removal from Housing Held in Abeyance or Social Probation

- \$150 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

#### **Fourth Violation**

- Suspension from Nichols College Held in Abeyance
- Removal from Housing or Social Probation
- \$200 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

#### **Fifth Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

### **7.e. Possession and/or use of drug paraphernalia**

Possession and/or use of drug paraphernalia (as defined above in the definitions section in this policy) is not permitted. Items are confiscated and destroyed by Residence Life Staff.

#### **First Violation**

- Written Warning
- \$100 Fine (assessed to the Student's Account )

#### **Second Violation**

- Probation (16 Academic Weeks=the equivalent of 1 semester )
- Educational
- \$150 Fine (assessed to the Student's Account )
- Parent/Guardian Notification

#### **Third Violation**

- Probation (1 calendar year)
- Removal from Housing Held in Abeyance or Social Probation
- In-Person Assessment
- \$200 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

#### **Fourth Violation**

- Suspension from Nichols College Held in Abeyance

- Removal from Housing
- \$250 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

#### **Fifth Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

### **7.d. Possession and/or consumption of marijuana**

#### **(Under the age of 21)**

##### **First Violation**

- Probation (16 Academic Weeks=the equivalent of 1 semester )
- Educational
- \$100 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

##### **Second Violation**

- Probation (1 calendar year)
- In-Person Assessment
- Removal from Housing Held in Abeyance or Social Probation
- \$150 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

##### **Third Violation**

- Suspension from Nichols College Held in Abeyance
- In-Person Assessment
- Removal from Housing
- \$200 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

##### **Fourth Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

#### **(Over the age of 21)**

##### **First Violation**

- Written Warning

### **Second Violation**

- Probation (16 academic weeks=the equivalent of 1 semester )
- Educational
- \$100 Fine (assessed to the Student's Account )
- Parent/Guardian Notification

### **Third Violation**

- Probation (1 calendar year)
- In-Person Assessment
- Removal from Housing Held in Abeyance or Social Probation
- \$150 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

### **Fourth Violation**

- Suspension from Nichols College Held in Abeyance
- In-Person Assessment
- Removal from Housing
- \$200 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

### **Fifth Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

## **Major Drug Policy Violations and Sanctions**

7.c. Possession and/or consumption of drugs other than marijuana

### **First Violation**

- Probation (1 calendar year)
- Removal from Housing Held in Abeyance or Social Probation
- Educational
- \$200 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

### **Second Violation**

- Suspension from Nichols College Held in Abeyance

- In-Person Assessment
- Removal from Housing
- \$250 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

#### **Third Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

### **7.b. Improper use and/or possession of prescription drugs**

#### **First Violation**

- Probation (1 calendar year)
- Educational
- Removal from Housing Held in Abeyance or Social Probation
- \$200 Fine (assessed to the Student's Account )
- Parent/Guardian Notification

#### **Second Violation**

- Suspension from Nichols College Held in Abeyance
- In-Person Assessment
- Removal from Housing Held in Abeyance or Social Probation
- \$250 Fine (assessed to the Student's Account)
- Parent/Guardian Notification

#### **Third Violation**

- Suspension from Nichols College
- Parent/Guardian Notification

### **7.a. Distribution, sale, or intent to sell drugs legal or illegal**

#### **First Violation**

- Up to Expulsion from Nichols College
- Parent/Guardian Notification