

# **Policy on Alcohol, Drugs and Tobacco**

*Originally Approved by the Student Life Committee on April 13, 1995.*

*Updated and Approved as of 8/26/2022*

Oberlin College prohibits the unlawful possession, use, or distribution of alcohol or drugs. It is the college's policy to provide a learning, living, and work environment that is free of illicit drugs, tobacco smoke, and the unlawful use or abuse of alcohol. Believing that the acceptance by students of full responsibility for their conduct is an essential component of the educational process, the college seeks to prevent the destructive use of tobacco, drugs, and alcohol by means of counseling and the education of students with regard to the risks involved.

While the college's emphasis is on preventative and educational approaches to substance use and abuse, the college will not protect students from local, state, or federal laws. College conduct procedures will be initiated if a complaint of misconduct related to drug, alcohol, or tobacco use is filed by a member of the Oberlin College community. Conduct sanctions may include suspension or dismissal, depending on the seriousness and frequency of the behaviors.

The following statement was issued to the Oberlin College community by the General Faculty Council on May 9, 1991: "Oberlin College cannot condone the illegal possession, consumption, provision or sale of alcohol or drugs, and Oberlin College cannot protect members of the community from prosecution for crimes under federal, state, or local laws. Ohio state law (Section 4301.69) provides that no person shall sell intoxicating liquor or beer to a person under the age of 21 years, unless given by a physician in the regular line of practice, or by a parent or legal guardian. Drugs are defined as including marijuana as well as the following, all of which are illegal except when taken under a doctor's prescription: barbiturates, amphetamines, prescription tranquilizers, LSD compounds, mescaline, psilocybin, DMT, cocaine, and other narcotics or opiates."

## **1. SUMMARY OF STATE LAWS**

### **Ohio Revised Code Governing Alcoholic Beverages**

#### *Section 4301.22 division (A)(1) and (3)*

No intoxicating liquor or beer shall be sold to or handled by any person under twenty-one years of age. The penalty for violating Section 4301.22 provides for a fine between the range of \$500 and \$1000 plus court costs or imprisonment of not more than 60 days, or both (Third degree misdemeanor).

#### *Section 4301.69 (A) and (I).*

No person shall sell\* intoxicating liquor to an underage person, or buy intoxicating liquor or beer for an underage person, or furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian. The penalty for violation of this section provides for a fine of not more than \$1,000 or imprisonment of not more than 180 days, or both (First-degree misdemeanor).

*\* The law is quoted as it reads. Selling alcoholic beverages, however, requires a license and thus is not legal anywhere on campus except when the vendor maintains an appropriate liquor license*

### **Ohio Revised Code Governing Drugs**

The current Ohio law regarding drug abuse, including marijuana, may be found in Chapter 2925 of the Ohio Revised Code and related sections in Chapter 3719. Activities covered in these sections include drug abuse, trafficking in drugs, possession of drug abuse instruments, corrupting another with drugs, permitting drug abuse, selling paraphernalia for consumption of marijuana to minors, drug theft, deception to obtain drugs, illegal processing of drug documents, abusing harmful intoxicants, illegal dispensing of drug samples and counterfeit controlled substances. Traffic laws relating to driving while intoxicated or under the influence of drugs are to be found in Chapter 4511 of the Ohio Revised Code. The federal law with respect to drug abuse prevention and control may be found in Title 21, Chapter 13 of the United States Code.

### **Ohio Revised Code Governing the Reporting of a Felony**

*Section 2921.22.*

No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities. These laws may be referenced in their complete context in the Office of Campus Safety or online at [codes.ohio.gov](http://codes.ohio.gov). If a student is apprehended on or off campus by the state, local or federal authorities for violation of drug laws:

- a. The student will remain enrolled in the college.
- b. Students released on bail will normally be free to continue their courses of study while awaiting legal proceedings.
- c. Withdrawal without prejudice will be granted to those who find it impossible to continue for legal or personal reasons.
- d. Conviction for a drug or alcohol-related offense will not automatically result in separation from the college, but college conduct procedures will be initiated if a complaint of misconduct is filed by a member of the Oberlin College community.

## **2. RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL, DRUGS, AND TOBACCO**

The college is concerned about the risks and potential dangers involved in the abuse of alcohol, drugs, and tobacco. There is the risk that the abuse of alcohol, drugs, and tobacco may cause profound changes to an individual's physical or psychological health. Also, the abuse of alcohol, drugs, or tobacco may interfere with the process of free and open intellectual inquiry, the interaction and the trust that are crucial to the educational community. Finally, there is the risk of being subject to college conduct procedures as well as the risk of being arrested and being subject to state or federal penalties including imprisonment.

## **3. SUPPORT AND COUNSEL**

For counseling and psychological support, students are advised to consult with the Counseling Center, (440) 775-8470, ([www.oberlin.edu/counsel/](http://www.oberlin.edu/counsel/)). To consult with a therapist after business hours and on

weekends call (440-775-8470) and press the number two (2). Consultations with therapists are confidential and subject to Ohio law governing their professional practices. Others also stand ready to help.

If individuals need support or seek advice, they may also contact:

- AA (Alcoholics Anonymous) (440) 246-1800
- Dean of Students Office (440) 775-8462
- Lorain County Alcohol and Drug Abuse Services (LCADA) (440) 989-4900
- Mercy Allen Hospital Emergency Room (440) 775-1211
- Office of Spirituality and Dialogue (440) 775-8103
- Office of Campus Safety (440) 775-8444
- Oberlin Counseling Center and Student Health (440) 775-8180

#### **4. VIOLATIONS OF COLLEGE POLICIES**

Whether or not misconduct is involved, those concerned about instances of alcohol and drug abuse and violations of the smoking policy on campus have the following options:

- a. Directly express concern and urge the student to seek support and assistance from among those listed above.
- b. Refer the matter to the Associate Dean of Students (Thom Julian –[tjulian@oberlin.edu](mailto:tjulian@oberlin.edu) or 440-775-8788).
- c. Refer the matter to the Office of Campus Safety or the civil authorities (i.e., report the matter to the police).

#### **5. SERVING ALCOHOL POLICY**

The following is the college’s policy regarding the serving of alcoholic beverages on campus.

- a. Persons who serve alcohol at any campus function must be 21 years of age in accordance with Ohio state law.
  - b. Some parts of the college grounds are considered to be in the public domain. Individuals on campus should be aware that the “open container” law applies in those areas and should act accordingly. For example, any public space (indoors or outdoors) is considered public domain. This includes lounges, residence hall bathrooms, and any outdoor space that is not specifically designated as a place where alcohol can be consumed (i.e. within the tape at TGIF in Wilder Bowl). If you have questions about “open container” law, please contact the Office of Campus Safety.
  - c. To help ensure state laws are followed, the possession or consumption of alcoholic beverages in the college dining halls or public areas is not permitted, excluding special programs or dinners if special approval has been given.
- NOTE:** When alcohol is served at an event by hosts who have not obtained a state license to sell alcohol, if the hosts post and/or collect a fee, donation, or cover charge the hosts will be viewed as selling alcohol without a license.

#### **6. DRUG POLICY**

The college's emphasis is on preventive and educational approaches to drug abuse. While the college will not protect students from drug laws, there are forms of conduct that are particularly unacceptable in an educational community and that will not be tolerated.

College conduct procedures will be initiated if a complaint of misconduct related to drug abuse is filed. Under the terms of Oberlin's Student Conduct policy, any member of the college community may file a complaint. Such cases may result in sanctions including suspension or dismissal, depending on the seriousness and extent of the offense.

## **7. INTOXICATION POLICY**

*Approved by the General Faculty on March 5, 2001.*

Oberlin College promotes an "intoxication" policy that centers on concern for the health of individual students and on the safety and wellbeing of the campus community. No voluntarily intoxicated person, whether using substances legally or illegally, shall engage in conduct that presents or creates a condition they should know is likely to present a risk of physical harm to another person, to the property of another, or to themselves.

For those students who are found to be abusing alcohol or drugs, the college's first priority is to ensure that they receive appropriate counseling and medical attention. This policy is based upon the expectation that students will take responsibility for their own decisions surrounding the use and abuse of alcohol or drugs, and that they will accept the consequences of those decisions.

**a. Policy** - Consistent with these goals, the college maintains the following policy with respect to alcohol intoxication:

(1) Alcohol or drug consumption to the point of severe intoxication is a violation of college regulations. When severe intoxication is an accompaniment to other possible disciplinary infractions, under no circumstances may it be regarded as a mitigating factor; indeed, disciplinary infractions may result in additional sanctions when they are in part or in whole the consequence of alcohol abuse.

(2) Severe intoxication is defined as intoxication that may be reasonably judged to represent significant potential harm to self or others.

(3) Customary indications of severe alcohol intoxication include one or more of the following signs:

- Stumbling/staggering/bumping into things/spilling beverages.
- Falling down/injuries.
- Unawareness of surroundings/semi-consciousness/loss of consciousness/passing out.
- Inability to state or recall basic personal information such as name, address, telephone, birth date, hometown, etc.
- Vomiting/low breathing rate (less than 12 breaths per minute)/inability to control excretion (loss of bowel/bladder control).
- Severe agitation.
- Slurred speech.
- Sudden or extreme behavioral or personality change.
- Aggressive behavior resulting in actual or threatened harm to self or others.

**b. Sanctions** - Under ordinary circumstances, first-time intoxication unaccompanied by other possible disciplinary infractions results in a required consultation with a student conduct hearing officer without additional disciplinary procedures or sanctions. The reoccurrence of such violations may result in conduct action and include sanctions appropriate to the individual situation.

**c. Medical Amnesty Policy** - Oberlin College wishes to ensure that students at medical risk as a result of alcohol or substance use will receive prompt and appropriate medical attention. For this reason no student seeking medical attention for themselves or others for intoxication or overdose shall be formally sanctioned for the illegal use or possession of alcohol or other drugs when other college polices have not been violated in conjunction with the intoxication or overdose. Such students will meet with a hearing officer in the Office of the Dean of Students or with an authorized hearing officer in Residential Education to discuss the incident. The authorized hearing officer has the discretion to refer the individuals for appropriate educational intervention(s), including but not limited to: screenings with members of the alcohol/substance use support team, parental notification, writing reflective essays, AOD assessments at a state certified agency or treatment center, etc. When substance related impairment leads to physically violent or dangerous behavior; disruption to ordinary community function; vandalism/destruction to, or theft of, communal or personal property, amnesty may be granted for the intoxication, at the same time additional charges may be pursued.

**NOTE:** The Medical Amnesty policy will not apply when a student persistently refuses to comply with the request of a college official to seek a medical evaluation to determine degree of intoxication/impairment. When asked by an officer of the college to do so, the failure to provide the name of the supplier of the intoxicating/impairing substance is obstruction and a form of failure to comply. Refusal to comply with an officer of the College in such circumstances will override the recommended staged sanctioning for drugs and alcohol related violations that are outlined in the most current published, Student Regulations, Policies, and Procedures. Students who persist in their noncompliance will be reminded/informed that failure to comply with a Security Officer's request to go to the Emergency Room for a medical intoxication/impairment evaluation will result in conduct action that may result in suspension.

## **8. SEXUAL MISCONDUCT AND INCAPACITATION**

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring. The use of alcohol or other drugs does not, in and of itself, negate a person's ability to give consent, but a level of intoxication can be reached, short of losing consciousness, in which a person's judgment is so impaired that they become incapacitated and thus are not capable of giving consent. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments; or

- Capacity to appreciate the nature and the quality of the act.

Because the use of alcohol and other drugs can have a cumulative effect over time, a person who may not have been incapacitated at the beginning of sexual activity may become incapacitated and therefore unable to give effective consent (please read the [Sexual Misconduct Policy](#) for further information) as the sexual activity continues.

Evaluating incapacitation also requires an assessment of whether a person who is alleged to have violated the Sexual Misconduct Policy, or a sober, reasonable person in that person's position, knew or should have known that the person reporting an alleged violation of the Sexual Misconduct Policy was incapacitated. If the person who wants to engage in sexual activity is too intoxicated to judge another's communications about consent, that person has an obligation to cease the activity. A person's responsibility for obtaining consent is not diminished by use of alcohol and/or other drugs. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, and stalking or intimate partner violence and does not diminish one's responsibility to obtain consent.

For more information on the Sexual Misconduct Policy, contact the Title IX Coordinator at (440) 775-8555 or at [edi@oberlin.edu](mailto:edi@oberlin.edu).

## **9. EDUCATIONAL INTERVENTION FOR INFRACTIONS OF THE POLICY ON ALCOHOL, DRUGS, AND TOBACCO**

In general, this process will be followed. However, each hearing officer has the authority and expertise to assign sanctions based upon their discretion and the particulars of the case. Hearing officers will consult with the Associate Dean of Students when they wish to depart from the recommended standard. Although the application of sanctions in Oberlin College's conduct process are handled on a case-by-case basis and never applied automatically, violations of the college's revised policy on alcohol, drugs and tobacco will customarily result in the following conduct responses. Sanctions will customarily be imposed except in cases in which an authorized hearing officer in Residential Education determines that the medical amnesty policy applies. This policy ensures that the concern for conduct consequences does not become an impediment for students seeking assistance for themselves or others when the abuse of alcohol and/or drugs presents a significant health risk. In such cases and where there are no additional infractions of the Code of Conduct, students will generally be asked to take advantage of educational or counseling opportunities; however no formal conduct action will be taken. In any of the instances outlined below, written or service oriented educational sanctions may be required in addition to the other options outlined.

### **Minimum Educational Sanctions for Alcohol and Drugs**

*Fall 2022 – Spring 2023*

Following are minimum responses to violations pertaining to controlled or unlawful substances (i.e. intoxication/impairment the illegal use, possession, distribution, or manufacture of alcohol, illegal drugs or controlled substance; or paraphernalia, equipment, materials, or other objects intended for the use, distribution, or manufacture of such substances.) See information related to life safety and end of term room inspection exception below. These interventions and sanctions are intended to promote substantive opportunities for students to engage in self-reflection with the potential for assessing current personal well-being and planning for future sustenance; reflection about community standards in relationship to personal rights and responsibilities with the objective of students understanding their potential to impact

Others in the campus community and beyond; and to foster a level of concern within students that is fit to the circumstance and is likely to deter repeat violations of these or other college policies.

**Alcohol Violations with Direct Impact on Others in the Community**

Intoxication, in combination with an allegation of a Sexual Misconduct Policy Violation, will be referred to the Sexual Misconduct Policy process for resolving reports involving students. The authorized hearing officers or hearing body in such cases may invoke the educational and counseling responses listed above in addition to any sanctions that may be imposed if there is a finding of responsibility for a violation of the Sexual Misconduct Policy.

**Drug Violations with Direct Impact on Others in the Community**

*Sexual Misconduct* - Intoxication in combination with an allegation of Sexual Misconduct Policy Violation will be referred to the Sexual Misconduct Policy process or resolving reports involving students. The authorized hearing officers or hearing body in such cases may invoke the educational and counseling responses listed above in addition to any sanctions that may be imposed if there is a finding of responsibility for a violation of the Sexual Misconduct Policy.

Alcohol or Marijuana	
<b>1<sup>st</sup> Offense</b>	<ul style="list-style-type: none"> <li>- E- Checkup to Go Alcohol or Marijuana</li> <li>- \$60 Fee</li> <li>- Deferred Probation</li> </ul>
<b>2<sup>nd</sup> Offense</b>	<ul style="list-style-type: none"> <li>- Reducing Risk Alcohol or Reducing Risk Marijuana (45-Minute In-Person Session )</li> <li>- \$120 Fee</li> <li>- Probation</li> <li>- Parental Notification</li> </ul>
<b>Subsequent Offense</b>	<ul style="list-style-type: none"> <li>- Automatic Community Board Hearing which could result in Suspension or Dismissal.               <ul style="list-style-type: none"> <li>o If Responsible:                   <ul style="list-style-type: none"> <li>▪ Deferred Suspension or Higher</li> <li>▪ Parental Notification</li> <li>▪ State Certification Alcohol and Other Drug Assessment*                       <ul style="list-style-type: none"> <li>• Student Pays Cost</li> </ul> </li> <li>▪ Counseling Center Visit</li> </ul> </li> </ul> </li> </ul>

*Covert Use of Drugs on Another*— Interim suspension followed by a hearing with a finding of responsibility resulting in dismissal.

*The Sale or Distribution of Drugs to Others* — Interim suspension followed by a hearing with a finding of responsibility resulting in dismissal.

*Life Safety and End of Term Room Inspection Exception:* Responses to first time violations involving only the possession of alcohol, illegal drugs and controlled substances and paraphernalia designed for their use that are discovered during life safety or end of term room inspections will be subject to an immediate administrative response determined by residential education staff or up to one incident in any academic year. A second such violation will be handled this way if it occurs during a different academic year; all prior fines and interventions are satisfied; and if the residents do not have an existing conduct record related to the use, possession or distribution of illegal substances or related paraphernalia. Administrative

responses may include a fine, an educational intervention where one is appropriate, and an administrative notation in a student's record that a life safety violation has taken place. The fines that may be imposed are published online at [new.oberlin.edu/students/policies](http://new.oberlin.edu/students/policies) and are subject to change each academic year. Individuals who disagree with an administrative response to a documented violation may schedule to meet with a hearing officer to resolve the matter by participating in a conduct administrative hearing.

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\*Upon request the Associate Dean of Students will consult with staff in the Oberlin College Counseling Center to be able to supply a list of two to three approved centers in the Oberlin - Cleveland area. This list does not constitute a specific referral, but serves to assist the student in identifying an appropriate resource in a timely fashion. The responsibility for the cost of the assessment rests entirely with the student. The respondent must provide the Associate Dean of Students and the certified agency with a signed release permitting the agency to provide an assessment report outlining its recommendations. The student is also required to sign a release allowing relevant third parties to provide the Associate Dean of Students with documentation that verifies completion of the recommendations made by the assessing agency including, but not limited to in- or out-patient treatment programs, counseling, and/or participation in support groups.

## **10. SMOKING POLICY**

The General Faculty voted to adopt the following policy regarding a campus-wide smoking ban in the fall of 1993. Oberlin College's policy is to limit smoking by its faculty, staff, students, and visitors to outdoor areas on campus that are at least 30 feet away from building entrances and exits. Smoking is banned at all times in all campus buildings including libraries, offices, residence halls, co-operative housing units, and designated village housing units, dining rooms, laboratories, classrooms, lounges, etc.

Smoking in college owned vehicles is also banned. (Violators may be reported to building representatives or to the Office of Safety and Security).

Smokers must stand far enough away from entrances, exits and intake vents so people do not have to pass through the smoke to enter or leave, or smell smoke from vents while in the building. Employees, students, and visitors must smoke at least 30 feet away from doors and vents.

On July 1<sup>st</sup>, 2016, Oberlin College and Conservatory adopted a complete Tobacco Free Campus. For more information, please visit [this website](#).