

## **Drug and Alcohol Policy**

Manhattan School of Music is committed to maintaining a drug-free school and workplace. The school is dedicated to excellence in musical performance and academic achievement; to promote this goal, the school requires that faculty, staff, and students maintain the highest standards of personal and professional conduct. The illegal or abusive use of drugs and alcohol by members of the community adversely affects the quality of campus life and the mission of the institution and is therefore prohibited.

The unlawful manufacture, distribution, dispensing, possession, solicitation, or use of illegal drugs or alcohol is prohibited at all times in the school and in the course of any school- or work-related activity.

Employees and students are prohibited from appearing on school premises or property owned or leased by the institution while visibly and significantly intoxicated or impaired by the use of alcohol or illegal drugs. This prohibition includes, consistent with New York State law, the consumption of alcohol by individuals under 21 years of age and the knowing distribution of alcohol to individuals under 21 years of age. In accordance with the Drug-Free Schools and Communities Act, and with the safety and well-being of members of our community in mind, Manhattan School of Music has established guidelines for dealing with the issues of alcohol and drug use.

Manhattan School of Music expects all staff and faculty members and students to become familiar with the law and school policy and the penalties and risks that can result from violations. The law places major responsibility and liability on both the person who serves and the person who buys the alcohol. Included in these laws are those that govern driving under the influence of alcohol, purchasing alcohol by and for persons under the legal drinking age, and serving alcohol to persons who are either underage or intoxicated. Persons who unlawfully furnish alcoholic beverages to students who are not of legal drinking age shall be in violation of school policy and subject to disciplinary action and may be liable for personal injuries or property damages resulting from misconduct committed by underage, intoxicated students.

Students living in Andersen Residence Hall, their guests, and all who enter the hall must also abide by policies stated in the Residence Life Handbook.

### **Institutional and Legal Sanctions for violations of the Drug and Alcohol Policy**

Disciplinary sanctions for violation of the Drug and Alcohol Policy that may be imposed on students include warning, residence hall fine, disciplinary probation (NOTE: Students on disciplinary probation may lose eligibility for Manhattan School Music scholarships.), community service, removal from residential facilities, suspension, and dismissal or expulsion. A student found engaging in any of the above offenses will be subject to disciplinary actions, up to and including expulsion.

The institution will also consider as a possible sanction referral of the matter to law enforcement, which may result in criminal prosecution. The penalty imposed as a result of criminal prosecution depends on many factors, including the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with

the use of the controlled substance. Possible sanctions include incarceration and imposition of substantial monetary fines.

The school will offer no protection or immunity from prosecution by federal, state, or local law enforcement agencies.

### **Federal, State and Local Laws Regarding Alcohol and Other Drugs**

Some of the federal, state, and local laws regarding alcohol and other drugs that apply to all members of the Manhattan School of Music community and, as applicable, their guests are listed below. Federal, state, and local penalties may change and are adjusted to circumstances of the persons involved. Repeat offenders may be obligated to stiffer penalties than those listed.

#### LAW PENALTIES

Minimum Drinking Age Law (21)      Fine—up to \$50

Alcohol Awareness program

30 hours community service

Procurement of Alcohol and Serving

Alcohol to those under 21      Fine—up to \$200

Imprisonment—up to 5 days

Suspension of liquor sales license and/or \$1000 fine

False Identification Laws      Fine—up to \$100

Community Service

Alcohol Awareness Program

Open Container/Public

Consumption Law      Fine—\$250 for first time violators, more for others

Driving While Intoxicated      Fines—up to \$1000

Driver's license revoked for at least

Six months

Imprisonment—up to 1 year

Driving While Ability Impaired      Fine—up to \$1000

Revocation of driver's license for 90 days

Imprisonment—up to 15 days

Zero Tolerance Law    Fine—up to \$225

Suspension of driver's license for 6 months

Illegal Use, Possession and

Distribution of Drugs Law    Depends on amount and type of drug

    Possession of 25g marijuana

        Fine of \$500

        Imprisonment—3 months

    Possession of 1 mg LSD

        Imprisonment—15 years

Other: possession, use, distribution, sale, etc., of controlled substances  
and other illegal substances    Depends on amount and type of drug

Fines—up to \$100,000 for first offence

Imprisonment—at least 15 days, up to 2 years

Forfeiture of property possible

Forfeiture of federal benefits such as student loans possible

Forfeiture of federal licenses and benefits possible

General Obligations Law

Anyone involved in selling, procuring, or providing controlled substances, illegal drugs, or alcohol for others may face civil liability if injuries result in a situation with the impaired individual. Those helping those under 21 or those already intoxicated to obtain alcohol may be liable for injuries to the individual or others.

### **Harmful Effects of Drug and Alcohol Abuse**

Manhattan School of Music believes that activities involving alcohol or illegal drugs have the potential to damage the quality of life at our institution in the following ways:

- By injuring the physiological and psychological well-being of individuals.
- By disrupting and endangering the welfare of those in the immediate environment of the illegal activity.
- By attracting criminal activity to the campus.

Manhattan School of Music discourages the irresponsible use of alcohol under any circumstances. Binge drinking—drinking several drinks in one sitting, often with the intent of getting drunk—is significantly associated with reduced academic/musical performance, property damage, injury (to oneself or others), and sexual assault. The use of drugs and alcohol adversely affects the student and employee's health and is potentially a safety hazard to coworkers and other students. Persons will be held fully accountable for any actions they may take while intoxicated which violate the school's standards of individual and group conduct.

The use of alcohol and all drugs, regardless of type, presents the risk of physical or psychological dependency. Every effort will be made by the school to help a student or an employee seeking and undertaking treatment or rehabilitation, although the decision to accept treatment is the responsibility of the employee or student. Individuals who do suffer from alcohol and drug addiction are not alone and can be helped. Students should see the Office of Student Engagement, Room 226, for referral; employees should see the Senior Director of Administration and Human Relations.