

**Utica College**  
**Annual Notice Regarding Drug and Alcohol Abuse Prevention Policies**

Utica College is required by federal law to provide the following notice to all students and employees. This notice is being provided via e-mail to ensure that the distribution is as effective and efficient as possible.

Utica College is committed to protecting the safety, health, and well-being of all students, employees, and invitees in the Utica College workplace and the Utica College community at large. Alcohol and drug use and abuse can be very disruptive, often adversely affecting one's quality of work and performance and posing serious health risks to users and others, resulting in a negative impact on productivity and morale.

Utica College recognizes that early intervention and treatment, as well as a strong support system, improve the success of rehabilitation. Utica College has therefore established a drug and alcohol abuse and prevention program that balances the College's respect for the individual's choices with the need to maintain a drug-free environment and prevent alcohol and substance abuse. Utica College encourages individuals to voluntarily seek help with drug and alcohol problems.

Utica College policies concerning a drug-free workplace and drug and alcohol abuse prevention are consistent with all federal and state laws, regulations, and orders, including, but not limited to, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 (as amended).

**Standards of Conduct**

Utica College prohibits employees and students from unlawfully manufacturing, distributing, dispensing, possessing, or using alcohol, a controlled substance or illicit drugs in the Utica College workplace, on the Utica College campus, or at any Utica College-sponsored activity or event. The Utica College workplace shall be defined as the Utica College campus and any other place where at least one employee is conducting business or representing the College or at any College-sponsored events.

Utica College is an educational institution dedicated to the pursuit of excellence, the promotion of academic achievement, and the advancement of knowledge. Therefore, Utica College will strenuously enforce the following:

No alcoholic beverages may be sold, served, given away, or consumed on the Utica College campus or any property owned or controlled by Utica College except as permitted by Utica College policy and the laws of New York. Employees and individuals engaged in directly performing work for Utica College shall not report to work under the influence of drugs or alcohol and shall exercise discretion in consuming alcohol while attending College-sponsored events at which alcohol is being served.

The unlawful manufacture, distribution, dispensing, possession or use of an illicit drug or controlled substance by students or employees shall be prohibited on the Utica College campus as part of the workplace or at any Utica College-sponsored activity or event.

### **Legal Sanctions**

Possession or sale of controlled substances, including marijuana, is considered a serious offense in the State of New York and can result in stiff fines and/or lengthy jail sentences. Similarly, violations of New York State law concerning purchase, possession, and distribution of alcoholic beverages can result in fines, imprisonment, and/or other penalties.

The following are some of the legal sanctions under local, state, and/or federal law concerning drugs and alcohol. These are merely set forth as an example of the various sanctions and are not meant to be all inclusive of every law. In addition, laws are often amended and sanctions changed. Many offenses and sanctions are case specific and therefore this notice shall not be deemed to be legal advice.

### **Driving While Intoxicated and Driving with Ability Impaired by Drugs**

Attempting to operate a motor vehicle while under the influence of alcoholic beverages or other drugs is an extremely dangerous practice that may result in injury or death. Persons who operate a motor vehicle while under the influence of alcohol beverages or other drugs are subject to arrest and conviction, including, but not limited to, Driving While Intoxicated (DWI), Driving With Ability Impaired (DWAI), vehicular assault, vehicular manslaughter, and/or aggravated vehicular homicide. Sanctions will result in increased fines and jail time if the offenses are repeat offenses. New York adheres to a “zero tolerance rule,” and any individuals under the age of 21 years who plead or are convicted of a drug or alcohol related driving offense may be subject to further sanctions and suspensions.

Convictions under these statutes may lead to fines, legal fees, and increased insurance premiums. Further, conviction under a misdemeanor drug or alcohol-related driving offense results in a criminal record which may have to be reported when seeking employment, applying to graduate programs, and applying for financial aid.

Multiple offenses may result in additional charges at the misdemeanor or felony level and penalties as defined in New York State penal law.

### **Criminal Sanctions for Unlawful Use and Distribution of Alcohol in New York State**

The use of alcoholic beverages is subject to the New York Alcoholic Beverage Control Law and certain provisions of the New York State Penal Law. These laws pertain to the possession, sale, or serving of alcoholic beverages.

- It is illegal for individuals under the age of 21 to possess alcoholic beverages. Underage drinkers are subject to a \$50 fine and possible community service.
- An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine of up to \$100 and community service of 30 hours. If the fraudulent identification is a New York State driver’s license, the revocation of the license will be added to the above penalty.

- No person may sell, deliver, or give any alcoholic beverage to a person under the age of 21. (The law does not apply to the parent of a minor). Individuals violating this law are guilty of a Class B Misdemeanor, and may be subject to a fine not exceeding \$500 and a term of imprisonment not to exceed three months.
- A person who misrepresents the age of a person under 21 for the purpose of inducing the sale of alcohol to the ‘underage’ person is guilty of an offense and is subject to a fine of not more than \$200 and imprisonment not to exceed five days, or both.
- Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, shall have right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and in any such action such person shall have the right to recover actual damages.
- Any person who shall be injured in person, property, means of support, or otherwise by reason of intoxication or impairment of any person under the age of 21 years shall have a right of action against any person who knowingly causes such intoxication or impairment by unlawfully furnishing to or assisting in procuring alcohol for such a person with knowledge or cause to believe that such person was under the age of 21 years.

**Criminal Sanctions for Unlawful Use and Distribution of Drugs in New York State**

Marijuana – Article 221 of the Penal Law of the State of New York deals with offenses involving marijuana. Possession of marijuana in any amount is illegal. The following are the New York laws covering the unlawful possession and sale of marihuana:

OFFENSE	DEGREE	PENALTY
Unlawful Possession 221.05	1 <sup>st</sup> Offense 2 <sup>nd</sup> Offense within 3 years 3 <sup>rd</sup> Offense within 3 years	Up to \$100 – no jail time Up to \$200 – no jail time Up to \$250 – 15 days
Criminal Possession – 221.10 221.15 221.20 221.25 221.30	5 <sup>th</sup> Degree 4 <sup>th</sup> Degree 3 <sup>rd</sup> Degree 2 <sup>nd</sup> Degree 1 <sup>st</sup> Degree	Class B Misd., up to \$500, 3 mo. to 1 year Class A Misd., up to \$1,000, 1 to 3 years Class E Felony, up to \$5,000, 1 to 4 years Class D Felony, up to \$5,000, 1 to 7 years Class C Felony, up to \$15,000, 1 to 15 years
Criminal Sale – 221.35 221.40 221.45 221.50 221.55	5 <sup>th</sup> Degree 4 <sup>th</sup> Degree 3 <sup>rd</sup> Degree 2 <sup>nd</sup> Degree 1 <sup>st</sup> Degree	Class B Misd., up to \$500, 3 mo. to 1 year Class A. Misd, up to \$1,000, 1 to 3 years Class E Felony, up to \$5,000, 1 to 4 years Class D Felony, up to \$5,000, 1 to 7 years Class C Felony, up to \$15,000, 1 to 15 years
Appearance in public under the influence of narcotics or a drug other than alcohol – 240.40	Violation	Up to \$250 – up to 15 days in jail

Controlled Substances – Section 220 of the New York Penal Law defines those drugs considered “Controlled Substances,” including narcotic drugs, narcotic preparations, hallucinogens (LSD, “hallucinogenic mushrooms,” etc.), stimulants, depressants, and concentrated forms of cannabis. Individual statutes deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is considered a felonious offense and may result in a lengthy jail sentence. With the exception of “Criminal Possession of a Controlled Substance in the Seventh Degree,” which is

considered a misdemeanor, all other statutes in Section 220 of the Penal Law are felonies. The following are some of the New York laws covering the unlawful sale and possession of drugs and drug paraphernalia:

<b>OFFENSE</b>	<b>DEGREE</b>	<b>PENALTY</b>
Criminal Possession of Controlled Substance – 220.03  220.06 220.09 220.16 220.18 220.21	7th Degree Knowingly and unlawfully possesses a controlled substance  5 <sup>th</sup> Degree 4 <sup>th</sup> Degree 3 <sup>rd</sup> Degree 2 <sup>nd</sup> Degree 1 <sup>st</sup> Degree	Class A. Misd, up to \$1,000, 0 to 1 year  Class D Felony, up to \$5,000, 1 to 7 years Class C Felony, up to \$15,000, 1 to 15 years Class B Felony, up to \$30,000, 1 to 25 years Class A–II Felony, up to \$50,000, 3 to 8 years Class A – I, up to \$100,000, 15 to 25 years
Criminal Sale of a Controlled Substance – 220.31 a 220.34 220.39 220.41 220.43	5 <sup>th</sup> Degree 4 <sup>th</sup> Degree 3 <sup>rd</sup> Degree 2 <sup>nd</sup> Degree 1 <sup>st</sup> Degree	Class D Felony, up to \$5,000, 1 to 7 years Class C Felony, up to \$15,000, 1 to 15 years Class B Felony, up to \$30,000, 1 to 25 years Class A–II Felony, up to \$50,000, 3 years to life Class A-1 Felony, up to \$100,000, 15 years to life
Drug Paraphernalia - Criminal Possession of Hypodermic Instrument – 220.45		Class A Misdemeanor - up to \$1,000 fine 0 to 1 year
Criminal Injection of a Narcotic Drug – 220.46		Class E Felony – up to \$5,000 fine 1 to 4 years
Criminal Use of Drug Paraphernalia – 200.50 220.55	2 <sup>nd</sup> Degree  1 <sup>st</sup> Degree	Class A Misdemeanor – up to \$1,000 fine 1 to 3 years Class D Felony – up to \$5,000 Fine 1 to 7 years
Criminal Sale of a Prescription for a Controlled Substance – 220.65		Class C Felony – up to \$5,000 fine 1 to 15 years
Criminal Possession of Methamphetamine Manufacturing Material-220.70 220.71	2 <sup>nd</sup> Degree 1 <sup>st</sup> Degree	Class A Misd., up to \$1,000, 1 to 3 years Class E Felony, up to \$5,000, 1 to 4 years
Unlawful Manufacturing of Methamphetamine-220.73 220.74 220.75	3 <sup>rd</sup> Degree 2 <sup>nd</sup> Degree 1 <sup>st</sup> Degree	Class D Felony, up to \$5,000, 1 to 7 years Class C Felony, up to \$5,000, 1 to 15 years Class B Felony, up to \$30,000, 6 to 25 years

There are additional federal laws that prohibit the sale, manufacturing, possession or distribution of controlled substances under federal law. Some of these laws are set forth at 21 U.S.C. §812, 841 and 21 C.F.R. 1308.11 through 1308.15.

### **Health Risks Associated with Alcohol and Drug Abuse**

The following are some of the health risks associated with alcohol and drug use and abuse:

### **Health Risks Associated with Alcohol Use and Abuse**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the

likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

### **Health Risks Associated with Drug Use and Abuse**

There are significant risks with drug use and abuse. Information concerning the risks can be found at [www.drugfree.org](http://www.drugfree.org).

### **Alcohol and Substance Abuse Prevention Program**

Utica College is committed to providing Utica College employees with assistance for alcohol and drug problems through the Employee Assistance Program (EAP). In addition, Utica College makes available to all student and employees a substance abuse prevention program consisting of educational programs, counseling, and referral to off-campus agencies.

During the academic year, the Division of Student Affairs sponsors workshops, seminars, and other sessions designed to educate the campus on the topic of drug and alcohol abuse. Often, these sessions are offered in conjunction with the Oneida County Drug Abuse Treatment Program, also known as Insight House. The College, through its Academic Support Services Center, offers confidential professional counseling services to any member of the academic community who wishes to discuss problems related to drug or alcohol abuse.

Although members of the College community are encouraged to use counseling services on campus, the College recognizes that some may feel more comfortable discussing sensitive matters with an off-campus agency. In addition to services and referrals offered through the Academic Support Services Center and Student Health Center, the following services and sources of information are available in the surrounding community (315 area code):

- Alcoholics Anonymous 732-6880
- Alcohol Crisis Center 735-1116
- Mohawk Valley Council on Alcoholism and Addictions 768-1361
- Center for Addiction Recovery 853-7111
- Community Recovery Center 334-4701
- Insight House Chemical Dependency Services 724-5168
- Human Resource Directions 525-1370

The following are toll-free information and referral services:

- NY State Council on Alcoholism Information Line 1-800-252-2557
- Cocaine Hotline 1-800-COCAINE
- Drug Abuse Information Line 1-800-522-5353
- National Institute on Drug Abuse 1-800-662-HELP
- Parent Resource Institute for Drug Education (PRIDE) 1-800-241-7946

Questions and concerns regarding these programs and services should be addressed to the vice president for student affairs and dean of students or the director of human resources.

### **Disciplinary Sanctions**

Employees and students who violate the Standards of Conduct outlined in this memo will be subject to disciplinary sanctions, including, but not limited to, expulsion, or termination.

Said discipline shall be pursuant to the College's policies and procedures. An employee may be suspended and/or required to enter a drug or alcohol rehabilitation program as part of the discipline. Employees offered the opportunity to participate in rehabilitation as part of the disciplinary action must sign and abide by the terms set forth in a Return-to-Work agreement as a condition of continued employment. Utica College may, at its sole discretion, require any employee subject to a Return-to-Work Agreement to submit to periodic drug and alcohol testing.

Students shall be subject to the College's judicial procedure, including, but not limited to, suspension or expulsion. Students convicted of certain drug violations may also be subject to loss of financial aid benefits.

Utica College additionally shall impose disciplinary sanctions, consistent with local, state and federal law, including, but not limited to, the Drug-Free Workplace Act of 1988, and reserves the right to refer the matter for prosecution with the appropriate authorities.