

POLICY ON DRUGS AND ALCOHOL

Introduction

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments require SUNY Polytechnic Institute (SUNY Poly) to adopt and put into effect a program to prevent the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs or alcohol by students and employees on SUNY Poly property, in SUNY Poly facilities, or at SUNY Poly activities or events, and to offer an anti-drug and alcohol abuse prevention program.

The State University of New York Polytechnic Institute is committed to maintaining an environment free of illegal drugs and drug and alcohol abuse. In compliance with the Federal Drug-Free Workplace Act of 1988, SUNY Poly prohibits the unlawful manufacture, distribution, possession and/or use of controlled substances or alcoholic beverages on its premises, in its buildings, or at SUNY Poly-sponsored events on or off campus. This prohibition also applies to student sponsored social activities or professional meetings attended by employees that the campus authorizes and/or use any campus resources. The Drug-Free Schools and Communities Act Amendments of 1989 (effective 9/1/90) requires the distribution of the following information to all students and employees. The following list reflects the major sections of this document.

SUNY Poly's Policy on Drugs

Sale, use, possession or distribution of prohibited drugs or controlled substances, or loitering with intent to engage in these activities, is prohibited in SUNY Poly buildings or grounds and at SUNY Poly-sponsored events. The term "drug" covers all controlled substances as defined in Section 220.00 of the New York State Penal Law and the Marijuana Reform Act of 1977. Offenders are subject to college discipline, up to and including dismissal from the college or termination of employment, and referral for prosecution, independent of action taken by the civil authorities.

An employee (or student worker) convicted of any violation of the criminal drug statutes for activities in or on property owned or controlled by SUNY Poly or at activities sponsored by SUNY Poly must notify the Office of Human Resources, in writing, within five calendar days of conviction.

Medical testing may be done if SUNY Poly has a reasonable suspicion that an employee is unable to perform job duties due to the misuse of alcohol, controlled substances, or prescription drugs. The Omnibus Transportation Employee Testing Act of 1991 (OTETA) also requires SUNY Poly to conduct pre-employment, pre-assignment (promotion), reasonable suspicion, post-accident, random, follow-up and return to duty alcohol and drug testing on all employees whose positions require the possession of a Commercial Driver's License (CDL).

Obligations of SUNY Poly

SUNY Poly must notify the appropriate federal agency (e.g., Department of Education, National Science Foundation) of the conviction of any employee or student worker paid in whole or in part by agency funds within ten days of receipt of the notice of conviction. SUNY Poly must also

make a good faith effort to maintain a drug-free workplace, offer drug awareness education, assist students and employees seeking treatment or rehabilitation, notify employees and students of its policy, and implement and enforce the policy.

SUNY Poly's Policy on Alcohol

Employees and students are expressly prohibited from selling, dispensing, or consuming alcoholic beverages on campus except for the following circumstances:

- A) At SUNY Poly approved events;
- B) Students may dispense and consume alcoholic beverages in the privacy of their own residence hall rooms, subject to the requirements of the Student Code of Conduct, the Residence Hall License and local and state law.

Students: Compliance with the provisions of SUNY Poly's drug and alcohol policies is a condition of attendance at SUNY Poly. Violators of these policies are subject to discipline, up to and including expulsion from SUNY Poly and referral to appropriate law enforcement agency and/or discipline, under the judicial procedures specified in the Rules and Regulations for the Maintenance of Public Order and the Student Code of Conduct, and/or corrective action(s) as SUNY Poly deems appropriate, including satisfactory completion of an approved drug or alcohol rehabilitation program.

Employees: Compliance with the provisions of SUNY Poly's drug and alcohol policies is a condition of employment. Violators are subject to discipline, up to and including termination of employment and referral to appropriate law enforcement agency and/or discipline, under the various negotiated agreements, or corrective action(s) as SUNY Poly deems appropriate, including satisfactory completion of an approved drug or alcohol rehabilitation program.

Note: student workers fall under both the student and employee sections above.

[Click here to view the Procedures for Alcohol and Substance Abuse in the Workplace.](#)

Local, State and Federal Laws - Alcohol

For the dispenser of alcoholic beverages, the following provisions of the New York State law pertain:

“Dram Shop” Law: It is a criminal offense to sell or give alcoholic beverages to a minor (under the age of 21). Anyone who serves a minor, whether knowingly or unknowingly, is liable for the minor's actions under the influence of alcohol. The law makes no distinction as to intent or efforts to determine legal age; the law simply asks whether the person who was served was of legal age and holds the server liable for damages.

Minimum Purchase Age: No person shall sell, deliver, give away, or cause, permit or procure to be sold, delivered, or given away, any alcoholic beverage to someone under or appearing to be under the age of 21 years. The dispenser is obligated to demand proof of legal age whenever in doubt.

Malicious Action: Anyone who knowingly supplies alcoholic beverages to an intoxicated person or acts with malicious intent in supplying alcohol to another person is subject to civil suit for compensable damages and punitive damages if intoxication results in injury or damage.

False Identification: Anyone under the age of 21 years who presents false or fraudulent written identification in order to secure alcoholic beverages is guilty of a criminal offense.

Possession of Alcohol by a Minor: A minor can be arrested and fined for possession of an alcoholic beverage with intent to consume it.

Drinking and Driving: All states prohibit drinking and driving. In New York State, it is a DWI violation to operate a motor vehicle with a blood alcohol content (BAC) of 0.08% or higher. There are many factors that can determine an individual's BAC. There is no one size fits all standard to estimate how many drinks would bring a person to a .08 BAC.

Zero Tolerance Law: It is illegal for an individual under 21 years of age to operate a motor vehicle with a BAC of .02 -.07. The Zero Tolerance violation carries a penalty of license suspension and fine.

The rules and penalties for drinking and driving also apply to driving a motor vehicle while under the influence of illicit drugs.

For a summary description of NYS Alcohol offenses and penalties:

<https://www.suny.edu/sunypp/docs/207.doc>

<http://dmv.ny.gov/tickets/penalties-alcohol-or-drug-related-violations>

Local, State and Federal Laws - Drugs

New York State Penal Law: The Penal Law lists the various controlled substances, specific offenses, and sanctions ranging from a fine of not more than \$100 to imprisonment for life. It is a crime under New York State law to loiter with intent to use drugs, use or possess drug paraphernalia, and sell or possess controlled substances.

For a summary description of NYS Drug offenses and penalties:

<https://www.suny.edu/sunypp/docs/208.doc>

Persons convicted of drug offenses in New York State may be sentenced to any of the following: conditional discharge that may include any amount or kind of community service that the court deems appropriate; probation; shock probation (a combination of 60 days' jail time plus a maximum of three years' probation); intermittent imprisonment, which may include weekdays or work Saturdays; or straight jail time.

New York State Public Health Law: It is a violation of the Public Health Law in New York to sell or possess a hypodermic needle without a doctor's permission, to grow marijuana or knowingly permit it to grow without destroying it (Class A misdemeanor punishable by up to one year in a local correctional facility), or to manufacture, sell, or possess with intent to sell, an imitation controlled substance (Class A misdemeanor; second offense is a Class E felony punishable by a minimum of one year and maximum of four years in state prison). It is also a

violation to inhale any glue that releases toxic vapors or fumes (Class A misdemeanor). A private vehicle, boat or plane that has been used to transport a controlled substance can be seized and forfeited under the law.

Federal Law: Federal drug laws parallel New York State drug laws in many respects. It is a federal offense to manufacture, distribute, or possess with intent to distribute, a controlled substance or an imitation controlled substance. All property associated with the unlawful handling of controlled substances is subject to forfeit to federal authorities.

For a summary description of Federal Drug offenses and penalties:

<https://www.dea.gov/drug-information>

<https://www.dea.gov/sites/default/files/2021-12/Trafficking%20Penalties.pdf>

Additional Resources:

<https://www.dea.gov/index.shtml>

<https://www.campusdrugprevention.gov/>

Under federal law, a person convicted of any federal or state offense involving possession of a controlled substance is ineligible to receive any and all federal benefits (e.g., student loans, social security) for a period of up to one year. A person convicted of the distribution of a controlled substance may be ineligible for any or all federal benefits for up to five years.

There are both federal and state laws dealing with the distribution or manufacture of controlled substances in or near schools or colleges or universities. Federal law provides that a drug offense within 1,000 feet of SUNY Poly property is punishable by a term of imprisonment and a fine of up to twice the amount authorized for the same offense when it is committed away from SUNY Poly property.

SUNY Poly's Good Samaritan and Amnesty Policies

Per the Student Code of Conduct, the following policies also apply:

Good Samaritan Policy

At SUNY Poly the health and safety of the members of the SUNY Poly community is of primary importance and all students are strongly encouraged to be active bystanders who respond in potentially dangerous situations without fear of reprisal from the College. Therefore, a student or student organization seeking medical treatment or emergency help for themselves or for any other person who is in immediate medical need, will not be subject to student conduct action related to the violation of using or possessing alcohol or other prohibited controlled substances. This policy applies to emergencies both on and off campus. The positive impact of reporting a medical emergency will always hold the highest priority when determining the appropriate response for policy violations. Repeated use of the Good Samaritan policy may be cause for concern for the well-being of the student and amnesty in such cases will be individually reviewed.

Policy for Alcohol and/or Drug Use Amnesty

The health and safety of every student at SUNY Polytechnic Institute is of the utmost importance. SUNY Poly recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited

to domestic violence, dating violence, stalking, or sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Poly strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual misconduct to College officials. A bystander or a reporting individual acting in good faith that discloses any incident of intimate partner violence, stalking, or sexual misconduct to SUNY Poly officials or law enforcement will not be subject to SUNY Poly's Student Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual misconduct.

Health Risks of Alcohol and/or Substance Use and Abuse: SUNY Poly is committed to supporting an environment which fosters academic success and continual learning as well as the health and well-being of the members of its community. The use and abuse of illegal drugs, alcohol and controlled substances carries health risks to the individual user as well as the campus community and community at large. Health risks include physical and psychological problems with both short-term and long-term effects. Damage to major organs including the brain, heart, lungs and liver are possible as well as medical problems such as high blood pressure, cancer, heart attack, or stroke. Physical and psychological dependence are also possible health risks associated with use and abuse. The use of alcohol during pregnancy may cause injury to the fetus or Fetal Alcohol Syndrome. Users of needles for the use of drugs such as heroin or crack carry the risk of spreading HIV and Hepatitis from the sharing of those needles. Additional health risks exist for driving under the influence of alcohol or other substances (including those prescribed by a provider) and may result in criminal charges, driving-related injuries, and fatalities. Addiction is another very serious health risk associated with the use of alcohol or other substances. Addiction is a primary, progressive, chronic and potentially fatal disease.

Signs and symptoms of addiction may include:

- Drinking or using substances for the relief of withdrawal symptoms
 - Increased tolerance or reverse tolerance (drug sensitization)
 - Feeling guilt, shame or remorse (as a result of behavior while under the influence of alcohol or other drugs)
 - Anxiety, depression, or other mental health diagnosis
 - Concern from family and/or friends about drinking or drug use
 - Decline in work performance or loss of interest in hobbies and daily activities
 - Inability to remember what happened when drinking (blackouts)
 - Financial difficulties including making sacrifices for the purchase of drugs
 - Having problems with the law through increasingly risky behaviors and impaired judgment
 - Denial or not being aware that a problem exists
 - Much time dedicated to the use of a substance (obsession)
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- Use that continues despite known health problems that have developed from use

Available Resources: If you, or someone you know, have a concern (or suspect a problem) with alcohol or other drug abuse, there are several ways you may seek assistance or support on campus and in the community.

Utica Campus

Wellness Center, Campus Center Suite 217, [\(315\) 792-7172](tel:3157927172)

Medical Services

- Medical evaluation and treatment
- Physician counseling and general information

Counseling Services

- Individual and group counseling
- Screening and referrals to community agencies & practitioners

Health Promotion Services

- Drug and alcohol education and prevention programs
- Screening and referrals to community agencies and practitioners
- Promotion of wellness and healthy lifestyle choices

University Police Department (Utica), Kunsela Hall B126

[\(315\) 792-7111](tel:3157927111) (emergency number)

[\(315\) 792-7222](tel:3157927222) (non-emergency number)

Albany Campus

Student Health Services

University @ Albany, Dutch Quad, 1400 Washington Ave, Albany, NY 12222

Main Line: (518) 442-5454

Appointments: (518) 442-5229

For more information, hours of operation, directions and to make an appointment, visit: https://www.albany.edu/health_center/index.shtml.

Counseling & Psychological Services (CAPS)

University @ Albany, Dutch Quad, 1400 Washington Ave, Albany, NY 12222

Main Line: (518) 442-5800

Appointments: (518) 442-5800

For more information, hours of operation, directions and to make an appointment, visit: https://www.albany.edu/counseling_center/.

University Police Department (Albany) Nano Fab East 1701

[\(518\) 437-8600](tel:5184378600)

Employee Assistance Program Any New York State employee may contact NYS EAP by calling [1-800-822-0244](tel:1-800-822-0244) or by visiting the EAP website at <https://goer.ny.gov/employee-assistance-program>.

The local regional offices are as follows:

Albany – [\(518\) 486-9769](tel:518-486-9769), Syracuse – [\(315\) 428-4963](tel:315-428-4963), Utica – [\(315\) 793-2518](tel:315-793-2518)

Confidential referral services are available for all college employees through the Office of Human Resources, Kunsela Hall, A011, [\(315\) 792-7191](tel:315-792-7191) (Utica), or NFE, Suite 2100, [\(518\) 437-8686](tel:518-437-8686) (Albany)

For more information, please visit: <https://www.sunypoly.edu/human-resources/employee-assistance-program.html>

Listing of Resources for Off Campus Alcohol and Substance Abuse Services

Utica Site Services

Alcoholics Anonymous

(315) 732-6880
276 N. Genesee Street
Utica, NY 13502
<http://www.aa.org/>

Beacon Center

(315) 717-0189
210 South Main Street, #4
Herkimer, NY 13350-2375
<http://www.beaconcenter.net/>

Center for Family Life and Recovery, Inc.

(315) 733-1709
502 Court Street, #401
Utica, NY 13502-4233
<http://www.whenthereshelpthereshope.com/>

Community Recovery Center

(315) 334-4701
264 W. Dominick St.
Rome, NY 13440-5812
<http://www.romehospital.org/SubstanceAbuse/>

Helio Health: Insights of Helio Health

(315) 724-5168
500 Whitesboro St
Utica, NY 13502

<http://www.helio.health/>

Herkimer County Prevention

(315) 894-8080

61 West Street

Ilion, NY 13357-1723

<http://www.herkimercountyprevention.org>

McPike Addiction Treatment Center

(315) 738-4600

1213 Court Street

Utica, NY 13502-3803

McPike ATC is certified by the NYS Office of Alcoholism & Substance Abuse Services (OASAS).

<https://oasas.ny.gov/location/mcpike-addiction-treatment-center>

Rescue Mission of Utica, Addictions Crisis Center

(315) 735-1645

293 Genesee Street

Utica, NY 13501

<http://www.uticamission.org/>

Albany Site Services

Addictions Care Center of Albany

Alcoholism Treatment Program

(518) 465-5470

90 McCarty Ave

Albany, NY 12202

<https://www.theacca.net/>

Alcoholics Anonymous Capital District Central Office

(518) 463-0906

11 Computer Dr. W, #100

Albany, NY 12205

<https://aaalbany.org/>

Capital Counseling

(518) 462-6531

650 Warren Street, #1

Albany, NY 12208

<http://capitalcounseling.org/contact/>

Homer Perkins Center

(518) 436-1104

76-82 2nd St.
Albany, NY 12210
<http://www.trinityalliancealbany.org/>

Hope House Outpatient Clinic
(518) 427-8207
747 Madison Ave, 3rd Floor
Albany, NY 12208
<https://www.hopehouseinc.org/our-programs>

Pearl Street Counseling Center
(518) 462-4320
109 State St.
Albany, NY 12207
<http://www.pearlcounseling.org/>

St Peter's Addiction Recovery
(518) 458-8888
Alcoholism Treatment Program
845 Central Ave, South 3
Albany, NY 12206
<http://www.sphp.com/addiction-sph>

Additional Hotline and 1-800 Agency Phone Numbers for Assistance:

- NYS AIDS Hotline 1-800-541-AIDS (2437), en español 1-800-344-7432
- NYS OASAS Substance Abuse Hotline 1-800-522-5353
- Federal Substance Abuse & Mental Health Services Administration 1-877-726-4727
- Poison Control Center 1-800-222-1222

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