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 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 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 Provost, his or her Vice President, or Dean of the conviction, in writing, within five calendar days of conviction. Student workers must notify the Office of Human Resources.

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 Personal 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 Personal 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](https://www.suny.edu/sunypp/docs/207.doc)
[http://dmv.ny.gov/tickets/penalties-alcohol-or-drug-related-violations](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](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.


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 Personal Conduct, the following policies also apply:

**Good Samaritan Policy:** Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, SUNY Poly is concerned that those in need receive prompt medical attention. SUNY Poly cannot guarantee absolute immunity from sanctions associated with violations of the Student Code of Personal Conduct or state and federal law. However, efforts will be made to mitigate sanctions associated with alcohol and other drug offenses for “Good Samaritans.” These considerations apply only to the individual(s) who may have contributed/participated in the use and abuse of alcohol or other drugs, but who summon aid.

**Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases:** The health and safety of every student at the State University of New York and its State-operated and community colleges is of 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, sexual harassment or sexual violence 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, sexual harassment or sexual violence to institution officials. A bystander or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual harassment or sexual violence to SUNY Poly officials or law enforcement will not be subject to SUNY Poly’s Student Code of Personal Conduct 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, sexual harassment or sexual violence.

Health Risks of Alcohol and/or Substance Use and Abuse:
SUNY Polytechnic Institute 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/or abuse of illegal drugs, tobacco, and alcohol carries possible health risks to the individual user as well as the campus community and community at large. Health risks associated with use and abuse may include damage to major organs such as the brain, heart, lungs and liver as well as medical problems such as high blood pressure, cancer, heart attack, or stroke. Unwanted pregnancy, sexually transmitted infections, unwanted sexual activity, poor academic performance or failure, and physical and mental 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)
* 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.

On campus confidential resources include (for students only):

Wellness Center (Medical Services), Campus Center Suite 217, 315-792-7172
* Medical evaluation and treatment
* Physician counseling and general information

Wellness Center (Counseling Services), Campus Center Suite 217, 315-792-7172
*Individual and group counseling
*Referrals to agencies & practitioners

**Utica Campus**
Center Suite 217, 315-792-7172

**Albany Campus**
NFS 309, 315-792-7172
(Services offered on Tuesdays and Fridays)

**Albany Medical Center - Student Health Center**, 25 Hackett Boulevard, Albany 518-264-0900

**Additional on campus resources include:**
**University Police Department (Utica)**, Kunsela Hall B126
315-792-7111 (emergency number)
315-792-7222 (non-emergency number)

**University Police Department (Albany)** Nano Fab East 1701
518-437-8600

**Wellness Center (Health Promotion), Campus Center Suite 217**, 315-792-7808 (students only)
*Education, educational resources, screening and referrals to agencies & practitioners
*Promotion of wellness and healthy lifestyle choices

**Employee Assistance Program**
Any New York State employee may contact NYS EAP by calling 1-800-822-0244 or visit their website at www.worklife.ny.gov/eap. The local regional offices are as follows:
Albany – 518-486-9796
Syracuse – 315-428-4963
Utica/Binghamton – 315-793-2518
Confidential referral services for all college employees through the office of Human Resources, Kunsela Hall, A011, 315-792-7191 (Utica), or NFE, Suite 2100, 518-437-8686 (Albany)

**Listing of Resources for Off Campus Alcohol and Substance Abuse Services**

**Utica Site Area Services**

| Alcoholics Anonymous (315) 732-6880 | 276 N. Genesee Street  
Utica, NY 13502  
http://www.aa.org/ |
<table>
<thead>
<tr>
<th>Center</th>
<th>Address</th>
<th>Phone</th>
<th>Website</th>
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<tbody>
<tr>
<td>Beacon Center</td>
<td>210 South Main St # A</td>
<td>(315) 717-0189</td>
<td><a href="http://www.beaconcenter.net/">http://www.beaconcenter.net/</a></td>
</tr>
<tr>
<td>Center for Family Life and Recovery, Inc.</td>
<td>502 Court St # 401</td>
<td>(315) 733-1709</td>
<td><a href="http://www.whenthereshelpthereshope.com/">http://www.whenthereshelpthereshope.com/</a></td>
</tr>
<tr>
<td>Herkimer County Prevention</td>
<td>61 West Street</td>
<td>(315) 894-8080</td>
<td><a href="http://www.herkimercountyprevention.org/">http://www.herkimercountyprevention.org/</a></td>
</tr>
<tr>
<td>Insight House Chemical Dependency Services</td>
<td>500 Whitesboro St.</td>
<td>(315) 724-5168</td>
<td><a href="http://insighthouse.com/">http://insighthouse.com/</a></td>
</tr>
<tr>
<td>McPike Addiction Treatment Center</td>
<td>1213 Court Street</td>
<td>(315) 738-4600</td>
<td><a href="https://oasas.ny.gov/atc/mcpike/index.cfm">https://oasas.ny.gov/atc/mcpike/index.cfm</a></td>
</tr>
<tr>
<td>Rescue Mission of Utica, Addictions Crisis Center</td>
<td>212 Rutger Street</td>
<td>(315) 717-0189</td>
<td><a href="http://www.uticamission.org/">http://www.uticamission.org/</a></td>
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## Albany Site Area Services

<table>
<thead>
<tr>
<th>Service Name</th>
<th>Phone Number</th>
<th>Address</th>
<th>Website</th>
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<tbody>
<tr>
<td>Addictions Care Center of Albany</td>
<td>(518) 465-5470</td>
<td>90 McCarty Ave</td>
<td><a href="http://theacca.net/">http://theacca.net/</a></td>
</tr>
<tr>
<td>Alcoholism Treatment Program</td>
<td></td>
<td>Albany, NY 12202</td>
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<tr>
<td>Alcoholics Anonymous Capital District Central Office</td>
<td>(518) 463-0906</td>
<td>11 Computer Dr. W #100</td>
<td><a href="http://www.aa.org/">http://www.aa.org/</a></td>
</tr>
<tr>
<td>Addictions Care Center</td>
<td>(518) 465-5470</td>
<td>90 McCarty Avenue</td>
<td><a href="http://theacca.net">http://theacca.net</a></td>
</tr>
<tr>
<td>Belvedere Addictions Center</td>
<td>(518) 694-9400</td>
<td>1 Van Tromp St</td>
<td><a href="http://www.belvedereaddictionscenter.com/">http://www.belvedereaddictionscenter.com/</a></td>
</tr>
<tr>
<td>Capital Counseling</td>
<td>(518) 462-6531</td>
<td>650 Warren St #1</td>
<td><a href="http://capitalcounseling.org/contact/">http://capitalcounseling.org/contact/</a></td>
</tr>
<tr>
<td>Homer Perkins Center</td>
<td>(518) 436-1104</td>
<td>76-82 2nd St</td>
<td><a href="http://www.trinityinstitution.org">www.trinityinstitution.org</a></td>
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<tr>
<td>Hope House Outpatient Clinic</td>
<td>(518) 427-8207</td>
<td>747 Madison Ave # 4</td>
<td><a href="http://www.hopehouseinc.org/about-us/outpatient-clinic/">http://www.hopehouseinc.org/about-us/outpatient-clinic/</a></td>
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<tr>
<td>Pearl Street Counseling Center</td>
<td>(518) 462-4320</td>
<td>109 State St</td>
<td></td>
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<tr>
<td>St Peter's Addiction Recovery</td>
<td>(518) 449-5170</td>
<td>64 Second Ave</td>
<td><a href="http://www.sphp.com">http://www.sphp.com</a></td>
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### Additional Hotline and 1-800 Agency Phone Numbers for Assistance:
*National Helpline for Substance Abuse Referral Services 1-866-684-6303
*NYS AIDS Hotline 1-800-541-AIDS (2437), en espanol 1-800-344-7432
*NYS AIDS Counseling & Testing (free and anonymous) 1-800-828-0064
*NYS Alcohol and Substance Abuse Hotline 1-800-522-5353
*National Clearinghouse for Alcohol and Drug Info 1-800-SAY-NO-TO (729-6686)
*Referral Services 1-877-726-4727
*Poison Control Info 1-800-336-6997