

## **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.

SUNY Poly recognizes that the abuse of alcohol and/or illegal possession or use of other drugs adversely affects the pursuit of its educational goals and objectives. Poly is committed to maintaining an environment free of illegal drugs and substance abuse, that fosters academic success and promotes health and wellness for its students and employees. 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. It is the responsibility of the college to uphold the Federal Drug-Free Schools and Communities Act Amendments of 1989 and the Federal Drug-Free Workplace Act of 1988 and ensure the distribution of Policy on Drugs and Alcohol annually to all members of the campus community.

### **SUNY Poly's Policy on Drugs**

The 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. 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, 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). Under the New York State Marijuana Regulation and Taxation Act it is a violation to grow or dispense marijuana without a license (corrective actions and available penalties are

provided within the Act). 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)
- Use that continues despite known health problems that have developed from use

## **Consequences of Harmful and/or Underage Drinking**

According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA) *College Drinking Fact Sheet* from September 2024, harmful and underage college drinking are significant health problems, and they exact an enormous toll on the lives of students on campuses across the United States.

Drinking affects college students, their families, and college communities. Consequences of drinking for college students can include death from alcohol-related unintentional injuries, including motor vehicle crashes, assault by another student who has been drinking and alcohol-related sexual assault or date rape. Many college alcohol problems are related to binge drinking. NIAAA defines binge drinking as a pattern of drinking alcohol that brings blood alcohol concentration (BAC) to 0.08 percent or 0.08 grams of alcohol per deciliter or higher. For a typical adult, this pattern corresponds to consuming 5 or more drinks (male), or 4 or more drinks (female), in about 2 hours. Drinking this way can pose serious health and safety risks, including car crashes, drunk-driving arrests, sexual assaults, and injuries. Over the long term, frequent binge drinking can damage the liver and other organs. BAC of 0.08 percent corresponds to 0.08 grams per 100 milliliters.

About one in four college students report experiencing academic difficulties from drinking, such as missing class or getting behind in schoolwork. Additional academic consequences of drinking, especially binge drinking, include performing poorly on a test or project.

Other consequences include suicide attempts, health problems, injuries, unsafe sexual behavior, and driving under the influence of alcohol, as well as vandalism, damage, and involvement with the police.

Alcohol overdose occurs when there is so much alcohol in the bloodstream that areas of the brain controlling basic life-support functions such as breathing, heart rate, and temperature control begin to shut down. Signs of this dangerous condition can include the following: mental confusion, stupor, difficulty remaining conscious or inability to wake up, vomiting, seizures, slow breathing (fewer than eight breaths per minute), irregular breathing (10 seconds or more between breaths), slow heart rate, clammy skin, dulled responses, such as no gag reflex (which prevents choking) and extremely low body temperature, bluish skin color, or paleness. Alcohol overdose can lead to permanent brain damage or death, so a person showing any of these signs requires immediate medical attention.

For more information:

[College Drinking Fact Sheet \(collegedrinkingprevention.gov\)](https://www.collegedrinkingprevention.gov)

**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.

**Wellness Center, Oriskany Hall, Suite B, [\(315\) 792-7172](tel:3157927172)**

### **Medical Services**

- Medical evaluation and treatment
- Medical 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
- Promotion of wellness and healthy lifestyle choices

### **University Police Department, Kunsela Hall B126**

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

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

**Employee Assistance Program** Any New York State employee may contact NYS EAP by calling [1-800-822-0244](tel:18008220244) 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:5184869769), Syracuse – [\(315\) 428-4963](tel:3154284963), Utica – [\(315\) 793-2518](tel:3157932518)

Confidential referral services are available for all college employees through the Office of Human Resources, Kunsela Hall, A011, [\(315\) 792-7191](tel:3157927191)

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**

#### **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

<https://www.romehealth.org/community-recovery-center-near-rome-ny/>

**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/>

**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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