



# **St. ELIZABETH COLLEGE OF NURSING**

## **POLICY ON DRUGS AND ALCOHOL**

### **Introduction**

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments require St. Elizabeth College of Nursing (SECON) 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 SECON property, in SECON facilities, or at SECON activities or events, and to offer an anti-drug and alcohol abuse prevention program.

The St. Elizabeth College of Nursing 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, SECON prohibits the unlawful manufacture, distribution, possession and/or use of controlled substances or alcoholic beverages on its premises, in its buildings, or at SECON-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.

### **SECON'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 SECON buildings or grounds and at SECON-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 SECON or at activities sponsored by SECON must notify the President, or Dean of the conviction, in writing, within five calendar days of conviction. SECON student workers must notify the Human Resources Department.

### **Obligations of SECON**

SECON 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. SECON 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.

### **SECON's Policy on Alcohol**

Employees and students are expressly prohibited from selling, dispensing, or consuming alcoholic beverages on campus.

**Students:** Compliance with the provisions of SECON's drug and alcohol policies is a condition of attendance at SECON. Violators of these policies are subject to discipline, up to and including expulsion from SECON 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 SECON deems appropriate, including satisfactory completion of an approved drug or alcohol rehabilitation program.

### **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:

<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.drugpossessionlaws.com/new-york/>

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.deadiversion.usdoj.gov/21cfr/21usc/index.html> - **See Part D – Offenses and**

### **Penalties**

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 SECON 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 SECON property.

### **SECON's Good Samaritan Act and Amnesty Policy**

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

#### **Good Samaritan Act**

At SECON the health and safety of the members of the SECON 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 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 code of conduct violations. Repeated use of the Good Samaritan Act 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 St. Elizabeth College of Nursing is of the utmost importance. SECON 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. SECON 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 SECON officials or law enforcement will not be subject to SECON'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:** St. Elizabeth College of Nursing 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. 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.

## **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 (Utica & Herkimer Offices)**

Utica Office  
(315) 366-4100  
1508 Genesee Street  
Utica, NY 13501

Herkimer Office  
(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 Street  
Rome, NY 13440-5812  
[http://www.romehospital.org/Community\\_Recovery\\_Center.aspx](http://www.romehospital.org/Community_Recovery_Center.aspx)

#### **Herkimer County Prevention**

(315) 894-8080  
61 West Street  
Ilion, NY 13357-1723  
<http://www.herkimercountyprevention.org>

**Insight House Chemical Dependency Services**

(315) 724-5168  
2512 Genesee Street,  
Utica, NY 13502  
<http://insighthouse.com/>

**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 espanol 1-800-344-7432
- NYS OASAS Substance Abuse Hotline 1-877-846-7369
- Federal Substance Abuse & Mental Health Services Administration 1-800-662-4357 □  
Poison Control Center 1-800-222-1222