

## ONODAGA COMMUNITY COLLEGE

### ANNUAL NOTIFICATION UNDER THE DRUG-FREE WORKPLACE ACT OF 1988 AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989

January 1, 2019

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 (the “Acts”) require colleges to publish their policies regarding the possession, use, or distribution of illicit drugs and alcohol by students or employees on campus. Onondaga Community College’s policies are published in the Centralized Policy Manual, the college catalog, and the employee handbook. This notification supplements those policies.

#### **I. Standards of Conduct: Student Alcohol and Drug Policies**

Alcohol is prohibited on campus except in the case of approved events where the sale and service of alcohol is conducted by the College, an affiliated organization, or an approved contractor/vendor in accordance with New York State Law.

##### *Prohibited behaviors involving alcohol:*

- Alcohol use, sale/distribution, and possession;
- Paraphernalia: Use, display or possession of any paraphernalia associated with alcohol;
- Impairment/Behavior: Use of alcohol that leads to impairment which causes disorderly, destructive, or violent behavior to self or community;
- In the presence of alcohol: students who are knowingly in the presence of alcohol in the residence halls can be found guilty of being in the presence of alcohol.

Sanctions for violations may include any or all of the following: fines, a letter to the student’s parents, educational workshops, BASICS or CASICS, substance abuse evaluation and treatment programs, disciplinary probation, suspension and dismissal, as well as referral for possible prosecution.

##### *Prohibited Behaviors Involving Drugs:*

- Illegal drugs and controlled substances, as well as drug paraphernalia, may not be possessed, used, or distributed on campus;
- Consumption, under the influence, display, sale/distribution, possession of unlawful controlled substances, and/or synthetic materials;
- Drug Paraphernalia: Use, display, or possession of any paraphernalia associated with unlawful drugs and/or controlled substances, or synthetic materials. This includes altered or constructed devices used to conceal or consume;
- Look-alike Drugs: Possession, consumption, distribution, use of and/or forcing another to ingest “imitation drugs” or synthetic materials that are either not intended for human consumption or used to elicit effects similar to an illegal drug or a substance or drug being used for an unintended purpose (i.e. synthetic cannabis, herbal incense, and or herbal smoking blends, Whip-it and other similar products).

The sanction for the possession, use, or possession with apparent intent to distribute drugs (including marijuana, even in small quantities) may range from disciplinary probation to dismissal, on campus educational workshops, BASICS or CASICS, and could include a requirement of substance abuse evaluation and treatment programs, as well as referral for possible prosecution.

## **Employee Alcohol and Drug Policy**

The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or controlled substances on College premises or while conducting College business off College premises is absolutely prohibited. Alcohol may not be consumed or ingested by any employee while on duty, while conducting College business, while assigned to drive a College vehicle or while driving a personal vehicle for College business, the sole exception being lawful and appropriate use of alcoholic beverages by employees at social events with appropriate connection to the College and approval of the College. Alcoholic beverages are only allowed on College premises for special events expressly approved in writing in advance by the President's Office, and with the provision of a New York State Liquor License through College Food Service. Illegal drugs or controlled substances are never allowed on College premises. Any violation of this policy will result in disciplinary action, up to and including termination, and may have legal consequences. The College will comply with all applicable laws regarding drug and alcohol use and testing.

Onondaga Community College has established an alcohol and drug testing program to help prevent accidents and injuries resulting from the misuse or abuse of alcohol and/or drugs by covered drivers of commercial motor vehicles in compliance with the Federal Regulations codified at 49 CFR Part 40, and 49 CFR Part 382, and pursuant to the Omnibus Transportation Employee Testing Act of 1991. The regulations apply to all employees who operate or may have cause to operate a commercial vehicle and are subject to the commercial driver's license (CDL) requirements established by the Department of Transportation.

The College may require employees to undergo appropriate drug or alcohol testing where it has reason to believe that such employees have used or may be under the influence of alcohol, illegal drugs or controlled substances. Employees who experience significant work performance problems or who become involved in significant incidents or accidents which are reasonably believed to be caused by substance abuse may also be required to undergo appropriate drug testing. All drug and alcohol testing will be conducted by appropriate personnel and submitted to an independent laboratory for analysis. Employee acknowledgement and consent to this policy and procedures is a term and condition of continued employment. Refusal to consent to drug and alcohol testing will be considered gross misconduct and may result in disciplinary action, up to and including termination.

## **II. Alcohol and Illicit Drug Health Risks**

Alcohol and illicit drugs are toxic substances that affect the mind, body and spirit. Excessive drinking causes health risks including damage to your organs (liver, heart and digestive tracts), impaired physiological responses (decreased brain activity, digestion and blood circulation), and mental and emotional disorders (loss of memory, impaired judgment and personality changes). Very high doses cause respiratory depression and death. Alcohol consumption has been demonstrated to be a contributing factor in instances of violent crimes, such as rape and murder, and deaths from drunk driving. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome leading to irreversible mental and physical abnormalities. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

Drug abuse is dangerous and can lead to death. An overdose can cause psychosis, convulsions, coma and death. Continuous use of drugs can lead to organ damage, mental illness and malnutrition. Drugs consumed via injection increase the risk of AIDS, hepatitis and other diseases. Drug abuse can also contribute to aggressive and violent behavior, mental illness, and exacerbate suicidality.

## **III. Legal Sanctions Covering Alcohol and Drug Abuse**

Members of the OCC community should be aware of legal penalties associated with convictions in cases of drug and/or alcohol abuse. Local, state, and federal laws make illegal use of drugs and alcohol serious crimes. Convictions can lead to imprisonment, fines, and assigned community service. Courts do not lift prison sentences in order for convicted persons to attend college or continue their jobs. An offense is classified as a

misdemeanor or a felony, depending upon the type and the amount of the substance(s) involved. A felony conviction for such an offense can prevent a person from entering many fields of employment or professions.

### **Legal Sanctions: Alcohol**

Alcohol offenses and penalties in New York State are defined by the Alcoholic Beverage Control Law and Penal Law. They include driving while intoxicated, while ability is impaired by alcohol, after consuming alcohol while under age 21, furnishing alcohol to a person under age 21, selling alcohol to an intoxicated person, or providing false identification. The four acceptable forms of I.D. for alcohol service in New York State are a driver's license, a non-driver's I.D., a military I.D., or a passport. In addition, New York State General Obligations Law imposes personal injury liability for damages resulting from furnishing alcohol to persons under age 21 or selling alcohol to an intoxicated person. The city of Syracuse prohibits the consumption of alcohol, or the possession of an open container with intent to consume, in any public place or private property without the owner's permission. A summary of offenses and penalties is below:

**A. Serving Alcohol to Persons Under 21:** Unlawfully Dealing with a Child First Degree; Section 260.20.2 NYS Penal Law; Class A Misdemeanor

- Up to 1 year in jail, \$1,000 fine

**B. Procuring Alcoholic Beverages for Persons under the Age of 21:** (ABC Law Section 65-a)

Any person who misrepresents the age of a person under the age of 21 years for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both such fine and imprisonment. The provisions of subdivision one of this section shall not apply to a person who gives or causes to be given any such alcoholic beverage to a person under the age of 21 years, who is a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during classes pursuant to such curriculum.

**C. Fraudulent Attempt to Purchase Alcohol** (using false ID or ID of another person): (Excerpts from Section ABC Law 65-b)

2a. No person under the age of 21 years shall present or offer to any licensee under this chapter, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage. (For a first violation, a person violating the provisions of this subdivision is guilty of a violation punishable by a fine of not more than \$100, and/or an appropriate amount of community service not to exceed 30 hours, and/or completion of an alcohol awareness program.) If a New York driver's license was used as the false identification, a violator's license may be suspended for 90 days. Since the ABC Law requires sellers of alcoholic beverages to demand a driver's license, passport, or armed forces ID card as evidence of age, serious consequences will result from altering one of the required forms of official ID. Possession of a forged instrument with the intent to defraud is a Class D Felony, punishable by a fine up to \$5,000, imprisonment up to seven years, or both (See NYS Penal Law, 170.25).

**D. Possession of Alcohol by Person Under 21:** Unlawful Possession of Alcohol The Alcohol Beverage Control Law also prohibits possession with intent to consume alcohol by persons under the age of twenty-one. (ABC Law § 65-c).

- The ABC statute does not authorize arrest and sets a maximum punishment of no more than 30 hours of "community service".
- Up to \$50 fine and/or completion of an alcohol awareness program and/or up to 30 hours of community service

**E. Civil Liability:** New York law provides a cause of action for personal or property damage resulting from intoxication or impairment of a person under 21. (Gen Obl L §11-100 ).

**F. Endangering the Welfare of a Child:** Providing alcohol to a person under the age of twenty-one when such provision is likely to result in injury or other risk to the welfare of the minor may constitute another crime, Endangering the Welfare of a Child. Penal Law § 260.10.

**G. Driving While Intoxicated (DWI) (.08 blood alcohol content or higher):**

<b>Violation</b>	<b>Mandatory Fine</b>	<b>Maximum Jail Term</b>	<b>Mandatory Driver License Action</b>
Aggravated Driving While Intoxicated (AGG DWI)	\$1,000 - \$2,500	1 year	Revoked for at least one year
Second AGG DWI in 10 years (E felony)	\$1,000 - \$5,000	4 years	Revoked for at least 18 months
Third AGG DWI in 10 years (D felony)	\$2,000 - \$10,000	7 years	Revoked for at least 18 months
Driving While Intoxicated (DWI) or Driving While Impaired by a Drug (DWAI-Drug)	\$500 - \$1,000	1 year	DWI - Revoked for at least six months DWAI-Drugs - Suspended for at least six months
Second DWI or DWAI-Drug violation in 10 years (E felony)	\$1,000 - \$5,000	4 years	Revoked for at least one year
Third DWI or DWAI-Drug violation in 10 years (D felony)	\$2,000 - \$10,000	7 years	Revoked for at least one year
Driving While Ability Impaired by a Combination of Alcohol/Drugs (DWAI-Combination)	\$500 - \$1,000	1 year	Revoked for at least six months
Second DWAI-Combination in 10 years (E felony)	\$1,000 - \$5,000	4 years	Revoked for at least one year
Third DWAI-Combination in 10 years (D felony)	\$2,000 - \$10,000	7 years	Revoked for at least one year
Driving While Ability Impaired by Alcohol (DWAI) (.05-.07)	\$300 - \$500	15 days	Suspended for 90 days
Second DWAI violation in 5 years	\$500 - \$750	30 days	Revoked for at least six months
Third or subsequent DWAI within 10 years (Misdemeanor)	\$750 - \$1,500	180 days	Revoked for at least six months
Related Offenses: Zero Tolerance Law	\$125 civil penalty and \$100 fee to terminate suspension	None	Suspended for six months
Second Zero Tolerance Law	\$125 civil penalty and \$100 re-application fee	None	Revoked for one year or until age 21
Chemical Test Refusal	\$500 civil penalty (\$550 for commercial drivers)	None	Revoked for at least one year, 18 months for commercial drivers.

Violation	Mandatory Fine	Maximum Jail Term	Mandatory Driver License Action
Chemical Test Refusal within five years of a previous DWI-related charge/Chemical Test Refusal	\$750 civil penalty	None	Revoked for at least 18 months, one-year or until age 21 for drivers under age 21, permanent CDL revocation for commercial drivers.
Chemical Test Refusal - Zero Tolerance Law	\$300 civil penalty and \$100 re-application fee	None	Revoked for at least one year.
Chemical Test Refusal - Second or subsequent Zero Tolerance Law	\$750 civil penalty and \$100 re-application fee	None	Revoked for at least one year.
Driving Under the Influence (Out-of-State)	N/A	N/A	Revoked for at least 90 days. If less than 21 years of age, revoked at least one year.
Driving Under the Influence (Out-of State) with any previous alcohol-drug violation	N/A	N/A	Revoked for at least 90 days (longer term with certain prior offenses). If less than 21 years of age, revoked at least one year or until age 21 (longest term).

#### H. Operating a Motor Vehicle after Consuming Alcohol while under age 21:

- License suspension or revocation and \$125 charge.

#### I. Possession of Open Container in Public Place:

- Up to 15 days in jail, \$150 fine (Determined by local laws)

#### Legal Sanctions: Drugs

The State of New York Public Health Law prohibits: growing marijuana or knowingly allowing it to be grown without destroying it; selling or possessing a hypodermic needle without a doctor's written prescription; or manufacturing, selling, or possessing with intent to sell an imitation controlled substance. The State of New York Penal Law and federal laws define a wide range of offenses and penalties for possessing or distributing marijuana and other controlled substances. In addition, driving a motor vehicle with ability impaired by drugs is subject to the same New York State law and sanctions as driving while intoxicated. A more complete description of these offenses and penalties is below:

#### A. Possession and Distribution of Marijuana

Offense	Penalty	Jail	Fine
<b>POSSESSION</b>			
25 g or less (first offense)	Not Classified	N/A	\$ 100
25 g or less (second offense)	Not Classified	N/A	\$ 200
25 g or less (third offense)	Not Classified	15 days	\$ 250
More than 25 g - 2 oz	Misdemeanor	3 months	\$ 500
More than 2 - 8 oz	Misdemeanor	1 year	\$ 1,000
More than 8 oz - 1 lb	Felony	4 years	\$ 5,000
More than 1 - 10 lbs	Felony	7 years	\$ 5,000

Offense	Penalty	Jail	Fine
More than 10 lbs	Felony	15 years	\$ 15,000
In public view	Misdemeanor	90 days	\$ 250

**Marijuana Paraphernalia:**

Offense	Penalty	Jail	Fine
Possession or sale of scales or balances for the purpose of weighing or measuring marijuana	Misdemeanor	1 year	\$ 0
Subsequent offense	Felony	7 years	\$5,000

**B. New York State Penal Law Sanctions for Criminal Possession and Sale (Degree depends upon amount of substance seized)**

- 5th Degree: Class B Misdemeanor 3 month imprisonment or less
- 4th Degree: Class A Misdemeanor 1 year imprisonment or less
- 3rd Degree: Class E Felony 4 years imprisonment or less
- 2nd Degree: Class D Felony 7 years imprisonment or less
- 1st Degree: Class C Felony 15 years imprisonment or less

**C. Federal Sanctions for Sale of Marijuana**

- A first offense of trafficking in marijuana in amounts of less than 50 kg may result in imprisonment of not more than 5 years and a fine not to exceed \$250,000. Imprisonment and fine minimums are doubled for a second offense
- Trafficking in marijuana in quantities greater than 1,000 kg may result in not less than 10 years and not more than life imprisonment and/or a fine not to exceed \$4 million (minimums double for a second offense)

**D. State Penal Law Sanctions for Possession and Sale (Degree depends upon substance, amount of substance, age of purchaser, and prior record)**

- 7th Degree: Class A Misdemeanor 1 year imprisonment or less
- 5th Degree: Class D Felony 7 years imprisonment or less
- 4th Degree: Class C Felony 15 years imprisonment or less
- 3rd Degree: Class B Felony 6 to 25 years imprisonment
- 2nd Degree: Class A-II Felony 3 to 8 years to life imprisonment
- 1st Degree: Class A-I Felony 15 to 25 years to life imprisonment

**E. Federal Sanction for Possession of a Controlled Substance**

- First conviction: Up to one-year imprisonment and / or fine of at least \$1,000 but not more than \$100,000, or both
- After one prior drug conviction: At least 15 days in prison, not to exceed 2 years and /or fine of at least \$2,500 but not more than \$250,000, or both
- After two or more prior drug convictions: At least 90 days prison, not to exceed 3 years and fine of at least \$5,000 but not more than \$250,000, or both.
- Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years, and fine of up to \$250,000, or both if:
  - 1<sup>st</sup> conviction and the amount of crack possessed exceeds 5 grams;
  - 2<sup>nd</sup> conviction and the amount of crack possessed exceeds 3 grams;
  - 3<sup>rd</sup> or subsequent conviction and the amount of crack exceeds 1 gram.

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.
- Civil fine up to \$10,000 (pending adoption of final regulations).
- 853a: Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.
- 922(g): Ineligible to receive or purchase a firearm.
- Miscellaneous: Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

#### **F. Federal Sanctions for Sale of Controlled Substances**

- Penalties range from imprisonment for less than one year and/or a fine of less than \$100,000 for a first offense involving a small quantity of a controlled substance.
- For a large quantity, second offense, the penalty may be as severe as 20 years to life imprisonment and a fine of not more than \$8 million.

### **IV. Drug and Alcohol Programs**

#### **College Resources Related to Substance Abuse**

Alcohol abuse and illicit drug use are serious societal problems. To help contend with such problems, and to prevent drug or alcohol use that adversely affects academic and job performance and safety, the following programs are available for students and/or employees. Although a student's or employee's rehabilitation efforts will be encouraged, participation in any program will not serve as protection against the normal disciplinary process associated with a violation of the College's alcohol and drug policies.

#### **Students**

- AOD programming presented by Residence Life
  - During the first few weeks of each semester, programming in the residence halls focuses on campus policies, including Alcohol and Other Drugs; this includes:
    - 1 large scale program
    - 4 RA facilitated programs (one per residence hall)
    - Passive programming (e.g., bulletin boards, mailbox stuffers, door knocking, etc.)
  - There is also an additional week of AOD programming each semester, in collaboration with the Office of Student Leadership and Engagement, which includes:
    - 1-2 large scale programs
    - 4 RA facilitated programs
    - Passive programming
  - Professional and Student staff training in the residence halls:
    - Protocol Response – staff are trained on the protocols and procedures for incident management
    - “Behind Closed Doors” – This allows staff to run through potential incidents that occur in the residence halls prior to the start of the semester with the support of returning staff members
    - Additional training is facilitated by Campus Safety, the Office of Student Conduct & Community Standards, Counseling, etc. on their collaborative role with Residence Life in terms of incident response and necessary follow up
- AOD prevention and response training for RAs and RHDs, presented by the Office of Student Conduct
  - Review of the Student Code of Conduct and standard sanctions
  - Training on how to respond to incidents involving alcohol and/or other drugs in the residence halls
  - Training on how to write AOD-related incident reports
  - Focus on strict and consistent enforcement of standards of conduct in the residence halls
  - Bystander intervention training

- Presentation of AOD and Student Code of Conduct-related material to parents at Parent Information Sessions during summer Orientation sessions
  - Reminder of Onondaga’s status as a dry campus and our no tolerance policy on alcohol and other drugs (regardless of a student’s age)
  - Review of the Student Code of Conduct and standard sanctions
  - Information on counseling and other support services available to students
- Distribution of AOD and Student Code of Conduct-related material to students during Orientation, Welcome, and other campus events
  - Student Conduct tabling and distribution of Student Conduct Process Handbooks
  - AOD Workshop for students who have Level 1 AOD Violations
  - BASICS/CASICS sessions for students with Level 2 AOD Violations; SBIRT (Screening, Brief Intervention & Referral to Treatment) Services Available
- Coordination of Community Policing initiative by Campus Safety and Security
  - Robust surveillance systems in the residence halls and on campus
  - NARCAN training for response to heroin use
  - Field sobriety and drug interdiction training
  - Meetings with local police, fire, and emergency management offices to support new methods of alcohol and other drug use prevention
- Identification of and intervention for high-risk students through We Care, Onondaga’s Behavioral Intervention Team
  - Review and discussion of incident reports, submitted by faculty, staff, administrators, or other students, for students whose behavior is of concern (often AOD-related)
  - Identification of support person(s) best suited to intervene and reach out to students
  - Discussion of students’ progress and identification of alternative strategies for intervention, as needed
- Voluntary AOD programming available to all students, including:
  - Twisted Halloween, an alcohol and other drugs awareness event
- Mandatory AOD education for student-athletes
  - AOD education is presented by faculty and staff in the athletics department for approximately 300 student-athletes annually
- Additional support for students provided by Onondaga’s Community Care Hub
  - The Community Care Hub is a system of community-based support services and resources for OCC students to remove non-academic barriers, such as food and housing insecurity, that inhibit educational progress. Based on a Public Health and Social-Ecological Model, the Hub reflects the unique needs of OCC students and leverages community partnerships to focus on prevention for all students, destigmatize help-seeking, increase access to services, and help students develop long-term resilience to avoid future emergencies. The project includes a social norms campaign focusing on AOD prevention.

## **Employees**

- Health care benefits for treatment of alcohol and drug problems are available through the health insurance policy available to employees.
- New employees receive an “onboarding” session in Human Resources by a member of the Human Resources Team. Each employee receives the Employee Assistance Program (“EAP”) pamphlet from our service provider, Crouse Hospital’s “HelpPeople”. An explanation of the free and confidential nature of the program is provided to new employees. Questions are solicited at this time. There is a supply of EAP pamphlets outside the Human Resource Department for easy access for employees.
- A member of the Employee Assistance Program attends the annual Employee Benefits Fair, is present at a table and is available not only for employee questions, but to provide information on the services.
- Employees are invited to attend programming on campus geared toward students such as speakers/presenters on AOD topics as well as the ability to attend projects like the Daniel Baldwin presentation, OCC’s Ted Talks, and other on campus speaking events.



- The campus complies with all regulations regarding drug testing for persons who hold a CDL License or operate College vehicles.
- The College's Safety Committee meets on a monthly basis during the academic year and reviews employee accidents/injuries, collates trends and makes recommendations for safety improvements.
- All Campus Safety Officers have been trained through AMR Ambulance Service on the administration of Narcan. Narcan is contained in Campus Safety Officer's "go bags", which in addition to Narcan, contains basic first aid materials. The go bags are located each patrol car.
- Any employee who seeks rehabilitation through an inpatient program may be eligible for a leave of absence in accordance with the Family and Medical Leave Act.
- Defensive driving is provided by an outside vendor at no cost to employees who are required to drive a College vehicle. The affects of substance use and driving are discussed in the 6-hour program.

## **V. Disciplinary Sanctions**

This notification is distributed in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 (the "Acts"). In compliance with the Acts, Onondaga Community College will impose disciplinary sanctions on students and employees (consistent with local, state and federal law and in accordance with Collective Bargaining Agreements) as described above, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct described above.