

## **Drug-Free Workplace and Drug/Alcohol Abuse Policy**

The abuse of alcohol and drugs is a social problem that has eroded societal well-being. Drug and alcohol abuse can prevent individuals from developing appropriate learning and problem solving skills, has contributed to the breakdown of personal and family relationships, has increased accident and suicide rates, and has negatively impacted the workplace through reduced productivity, physical/mental impairment, and increased absenteeism. Abuse of drugs or alcohol can jeopardize continued employment and create a health risk for the user, and a safety risk for the user, co-workers and other members of the College community.

### **PROHIBITIONS AND SANCTIONS**

The College strictly prohibits the unlawful possession, manufacture, distribution, dispensation or use of a controlled substance or alcohol by an employee on College property, in College vehicles, or as part of a College-sponsored program off campus. The College may require drug and/or alcohol testing when a reasonable suspicion exists that any employee is under the influence of alcohol or any illegal drug, intoxicant, or controlled substance while on the job, or is otherwise in violation this policy. *See Reasonable Suspicion for Alcohol or Drug Testing Policy.*

Employees whose work performance is impaired as a result of use or abuse of drugs or alcohol (either on or off campus); who illegally use or abuse drugs or alcohol on campus or on College business; who violate any provision of the College's employment policies or who have been convicted of violating any criminal drug statute while on College property or while participating in a college-sponsored program off campus are subject to disciplinary action. Disciplinary action may include termination of employment and referral to law enforcement authorities. Disciplinary action and/or required participation in a rehabilitation program as determined by the Employee Assistance Program (EAP) will be determined and implemented by the Dean of Faculty in consultation with the Director of Human Resources (in the case of Faculty) and by the respective Vice President and Director of Human Resources (in the case of administrators, staff or student workers). Any such actions will be in compliance with the Faculty Manual, Administrator Manual, Staff Handbook or Student Handbook.

Local and federal laws also prohibit the unlawful use, manufacture, possession, control sale and dispensation of any illegal narcotic or dangerous drug. Under the requirements of the Drug Free Schools and Communities Act, institutions of higher education must provide employees with notice of applicable state and federal sanctions for unlawful possession or distribution of illicit drugs and alcohol. Attached are the applicable New York State and federal legal sanctions. The College cooperates fully with law enforcement authorities. Violations of the College Drug & Alcohol Abuse policy which are also violations of federal or local law may be referred to the appropriate law enforcement agencies. In such situations, cases may proceed concurrently at the College and in the criminal justice system.

In accordance with College policy, for various social events with alcohol (i.e. Minerva Event or "Academic Social Events"), if an employee assumes the role of "responsible person" then he/she should manage the event in accordance with the requirements of the Social Events with Alcohol policy and NYS law. Requirements include that individuals under age 21 and intoxicated persons must NOT be served. Someone arriving in an intoxicated condition (even if 21 years of age or older) must be denied entrance. The amount of beer and wine and non-alcoholic beverages made available must be in proportion to the number of guests who will be above and below the age of 21. As such, it is incumbent upon the "responsible person" to ensure that those drinking or being provided with alcohol are of legal drinking age. Employees attending a college social

event with alcohol, where the employee is not considered the event's "responsible person", are encouraged to alert the appropriate "responsible person" should the employee observe an intoxicated student or an underage student drinking alcohol.

**CONDITION OF CONTINUED EMPLOYMENT**

As a condition of continued employment, each faculty member, administrator, staff member and/or student worker will abide by the terms of this policy and will notify the Dean of Faculty (in the case of faculty) and the Director of Human Resources (for administrators, staff or student workers) no later than five days after any conviction for a criminal drug statute offense or alcohol offense committed on College property or as part of a College-sponsored program off campus. Failure to comply with these conditions will be grounds for disciplinary action.

**COUNSELING, TREATMENT AND/OR REHABILITATION**

College employees have available counseling and treatment services through the College health insurance programs, the Employee Assistance Program, and other local agencies/programs. Student employees may utilize Health Services, the Counseling Center or any of the local agencies/programs. Periodically, drug and alcohol abuse information is distributed and training sessions are held.

Early diagnosis and treatment of drug and alcohol abuse is in the best interests of all College employees. College employees concerned about drug or alcohol abuse are encouraged to consult with Human Resources.

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| Alcohol Abuse: | e4health -Employee Assistance Program  | 800-828-6025 |
|                | Alcoholics' Anonymous                  | 242-4989     |
|                | Alcoholism and Substance Abuse Council | 346-4436     |
|                | Conifer Park                           | 399-6446     |
|                | Ellis Hospital Alcoholism Program      | 386-3300     |
| Drug Abuse:    | e4health -Employee Assistance Program  | 800-828-6025 |
|                | Alcoholism and Substance Abuse Council | 346-4436     |
|                | Bridge Center                          | 346-1277     |
|                | Carver Community Counseling Services   | 382-7838     |

This policy implements the Drug Free Workplace Act (41 U.S.C. 701) and the Drug Free Schools and Communities Act (20 U.S.C. 1145g). The policy is effective August 1, 2010.

**Summary of Laws and Sanctions**

**ALCOHOL**

| <b>It is illegal in New York State:</b>                                       | <b>Potential Sanctions</b>  |
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| for anyone under the age of 21 to possess alcohol with the intent to consume. | <i>Violation can result in up to a \$50 fine, and/or completion of an alcohol awareness program and/or up to 30 hours of community service.</i> |

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| to sell alcohol to anyone under 21, to anyone who is already intoxicated, or to anyone who is habitually intoxicated.    | <i>Violation can result in up to a \$1,000 fine and/or up to one year in jail.</i>  |
| to use a false ID or to provide someone else with a false ID to buy alcohol.   | <i>An employee can be fined up to \$100 and/or required to complete a alcohol awareness program and/or provide up to 30 hours of community service. If the false ID is a driver's license, the license may also be suspended for 90 days. Note: Higher level charges for criminal possession of a forged instrument or criminal impersonation penalties can include: for a misdemeanor a fine up to \$1,000 and/or up to one year in jail; or could lead to a felony conviction and sentence.</i> |
| to misrepresent one's age or that of anyone else under 21.   | <i>The penalty is a \$200 fine and/or up to five days in jail.</i>  |
| to drive with ability impaired (more than .05 up to .07 BAC) or while intoxicated (.087 BAC or more, or other evidence). | <i>Fines, jail and license action are among the penalties, depending on the circumstances.</i>  |
| to drink and drive if under age 21.  | <i>Under New York's Zero Tolerance law, for even small amounts of alcohol, a license is suspended for six months or revoked for one year.</i>   |

### OTHER DRUGS

Federal and New York State laws provide many legal sanctions for the unlawful possession or distribution of controlled substances. These sometimes include severe criminal penalties such as fines and/or imprisonment. The severity of the penalty depends upon the nature of the criminal act and the identity and amount of the illicit drug involved. Some examples are:

|                  | <b>Potential Sanctions</b>   |
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| <b>Cocaine</b>   | <i>Possession of even 500 mg. of cocaine can result in a maximum sentence of seven years in prison.</i>  |
| <b>LSD</b>       | <i>Possession of as little as 1 mg. can result in up to 15 years in prison.</i>                          |
| <b>Marijuana</b> | <i>Possession of as little as 25 g. can result in a maximum of three months in jail or a \$500 fine.</i> |