

## **COLLEGE POLICY STATEMENT ON DRUG-FREE WORKPLACE FOR FACULTY AND STAFF**

American society is harmed in many ways by alcohol abuse and other drug use. Decreased productivity, serious health problems, breakdown in communication and strained societal resources are all results of substance abuse. Faculty and staff of the SUNY College of Optometry have a commitment to patient care and student education, services that can be severely affected by substance abuse.

### **I. Policy**

The State University of New York, College of Optometry is committed to the development and maintenance of a drug free environment. In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, the College will not tolerate the abuse of alcohol, the unlawful possession, or distribution, and or use of controlled substances and alcohol on College premises.

Employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.

No employee will report for work or will work impaired by any substance, drug or alcohol, lawful or unlawful. "Impaired" means under the influence of a substance such that the employee's motor senses (i.e., sight, hearing, balance, reaction, or reflex) or judgment either are or may be reasonably presumed to be affected.

Medical testing process may be initiated if the College has a reasonable suspicion that an employee is unable to perform job duties due to the misuse of alcohol, controlled substances, or prescription drugs.

It is the position of the SUNY College of Optometry that the abuse of alcohol and/or the illegal possession or use of other drugs adversely affects the College community's pursuit of its educational and patient care goals. Furthermore, as a State supported institution, it is the responsibility of the College to uphold both state and federal laws.

## **II. Guidelines and Procedures**

### **Compliance**

Compliance with the College Policy on Drug and Alcohol Abuse shall be a condition of employment with the SUNY State College of Optometry.

### **Violations**

Any employee or student employee convicted of any criminal drug statute violation occurring in or on the property owned or controlled by SUNY College of Optometry is required to give a signed, written notice of the conviction to the Assistant Vice President for Human Resources in Room 933 within five (5) calendar days following the conviction. An employee so convicted will be required to satisfactorily participate in a state-approved drug-abuse assistance or rehabilitation program as a condition of continuing employment.

Employees who violate the policy may be subject to disciplinary procedures provided by the various negotiated agreements. Other corrective action may include satisfactory participation in an approved drug or alcohol rehabilitation program.

## **LEGAL SANCTIONS UNDER FEDERAL AND STATE LAW**

### **FEDERAL LAW**

SUNY College of Optometry shall notify the appropriate federal agency, if applicable, within ten (10) days of notice of an employee or student employee conviction. In addition to College sanctions, violators may be subject to criminal prosecution under federal and state laws which specify fines or imprisonment for conviction of drug related offenses. Where appropriate or necessary, the College will cooperate fully with law enforcement agencies.

Articles 220 and 222 of the NYS Penal Law set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold. Appendix A outlines specific legal sanctions and penalties as derived from these statutes.

New York's Marihuana Regulation and Taxation Act repealed Article 221 and enacted Article 222 where all the new Marihuana reforms are contained (as of 07/05/2021). Marihuana is now referred to as "Cannabis".

Section 220.44: makes a sale of a controlled substance in or near school ground, to a person less than 19 years of age, a Class B felony.

220.45: makes criminal possession of a hypodermic instrument a Class A Misdemeanor.

220.46: makes criminal injection of another person with a narcotic drug, with consent of that person, a Class E felony.

220.50: bans possession or sale of drug paraphernalia; deals with things that dilute drugs, like dextrose or mannite, gelatin capsules, plastic envelopes, scales and balances etc., considered commercial preparation materials (Class A Misdemeanor).

220.60: makes criminal possession of certain "precursors" of controlled substances used in their preparation or manufacture, but not the drugs themselves, a Class E Felony (for example, ergot, or diethylamide).

***It is important to be aware that under the Penal Law, a gift of drugs, including marijuana, is treated as a sale.***

Federal penalties and sanctions for the illegal possession of a controlled substance is detailed in the Controlled Substance Act (21 U.S.C. 811, 844, 853) as summarized in Appendix C. For the first conviction imprisonment may be imposed up to a year and fines of at least \$1,000. There are special sentencing provisions for the possession of crack cocaine: mandatory at least 5 years in prison and fines up to \$250,000.

## **STATE LAW**

New York Penal Law: defines a misdemeanor as a crime punishable by imprisonment for more than 15 days, but not more than one year. A felony is a crime punishable by imprisonment for more than one year.

The amendments to section 65-b and 65-c of the Alcoholic Beverage Control (ABC) Law (Chapters 225, 586 and 592 of the Laws of 1989) provide:

Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with the intent to consume the beverage. Exceptions are provided for the consumption in an institutional setting and in cases where the alcoholic beverage is provided by a parent or guardian.

Violators are not subject to arrest, but are subject to a fine of up to \$50 per offense and/or completion of an alcohol awareness program established pursuant to §19.25 of the Mental Hygiene law and/or an appropriate amount of community service not to exceed 30 hours. Alcoholic beverages involved in the alleged violations of this law may be seized by authorized law enforcement officials including University Police officers. Disposal and destruction of the seized alcoholic beverages are also authorized but cannot be carried out until three days after the initial appearance date, unless otherwise ordered by a court.

Effective January 1, 2004, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and a community service requirement of up to 30 hours. In addition, the court may order completion of an alcohol awareness program established pursuant to § 19.25 of the Mental Hygiene law.

Effective January 1, 2004, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.

**Appendix B:** *outlines the Special Provisions Relating to Liquor {NYS Alcoholic Beverage Control (ABC) Law: Article 5} –and Alcohol & Drug-related Offenses & Procedures {NYS Vehicle and Traffic (VAT) Law: Article 31}*

### **Health Risks**

The health risks associated with the abuse of alcohol or engaging in the use of controlled substances are serious.

Appendix D. contains a chart which outlines the effect of the use of specific controlled substances.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive act, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

The College is committed to the education of its faculty, students, and staff about the dangers of drug and alcohol abuse. SUNY College of Optometry, as a part of its commitment to preventive programming will offer information on the effects of drug and alcohol and the dangers associated with abuse.

Further, the College will provide, through the Offices of Human Resources or Student Affairs, referral and counseling to those in need of assistance, including information on support programs available and accessible to the College. A network of services- is also available through the New York State Division of Substance Abuse Services. Persons concerned about substance abuse can seek confidential assistance for themselves, family or friends by calling NYS Addiction HOPELine (1-877-8-HOPENY)

## **RESOURCES:**

SUNY Policy 3400: [http://www.suny.edu/sunypp/documents.cfm?doc\\_id=440](http://www.suny.edu/sunypp/documents.cfm?doc_id=440)

Information about illicit drugs: <https://www.dea.gov/druginfo/factsheets.shtml>

Controlled Substances Act: <https://www.dea.gov/druginfo/csa.shtml>

Federal Trafficking Penalties: [https://www.dea.gov/pr/multimedia-library/publications/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf#page=30)

### **New York City**

Alcoholics Anonymous	212-647-1680
Al-Anon	212-941-0094
Bellevue Medical Center	212-562-1000
Drug Referral Helpline	800-662-4357

Narcotics Anonymous 212-929-6262  
 Mount Sinai St. Luke's 212-523-4000

**National**

Alcohol and Drug Abuse Helpline 800-234-0420  
 National Cocaine Hotline 800-262-2463

**National Assistance Groups**

Al-Anon 757-563-1600  
 Food and Drug Administration 888-463-6332  
 Mothers Against Drunk Driving (M.A.D.D.) 800-438-6233  
 Narcotics Anonymous 818-773-9999  
 National Association for Children of Alcoholics 888-554-2627  
 National Institute on Drug Abuse 301-443-1124  
 Pills Anonymous 212-874-0700  
 National Drug Abuse Hotline 800-241-9746  
 Tough Love 800-333-1069

**Drug Rehabilitation Programs for SUNY Students, Faculty and Staff**

<b><u>Name/Address</u></b>	<b><u>Services</u></b>
<u>Create Inc.</u> 73-75 Malcolm X Blvd. New York, New York 10026 212-865-1885	Group and one-on-one counseling Mon. – Fri. 9:00 a.m. – 5:00 p.m. Two IDs required for intake
<u>Daytop Village Inc.</u> 55 West 125 <sup>th</sup> Street New York, New York 10027 212-904-1500	Outpatient Services Counseling Multiple Sites
<u>Fortune Society Inc.</u> 29-76 Northern Blvd. Long Island City, New York 11101	Referral Services Narcotics Anonymous (NA) meetings on Wed. nights

212-293-0940

Operation Helping Hand

507 West 145<sup>th</sup> Street  
New York, New York 10031  
212-234-2005

Counseling

Mon. – Fri. 9:00 a.m. – 5:00 p.m.

Phoenix House

Sites: 34-25 Vernon Boulevard  
Astoria, New York 11106  
888-671-9392

Treatment, counseling

Outpatient and Residential Programs

20 New York Avenue, 3<sup>rd</sup> Floor  
Brooklyn, New York 11216  
888-671-9392

Project Return Foundation Inc.

360 West 125<sup>th</sup> Street  
New York, New York 10027  
212-280-0814

Services in Multiple Counties

Union Settlement

237 East 104<sup>th</sup> Street  
New York, New York 10029  
212-828-6000

Community Services