

## Drug and Alcohol Policy

*In compliance with the Drug-free Schools and Campus Act and the Drug-free Workplace Act, this policy is intended to inform all members of the College community of the College's policy concerning alcohol and other drugs. This policy applies to all student and to all employees (faculty and staff)*

Niagara County Community College is committed to promoting a drug-free campus environment and elimination of drug and alcohol abuse for its students and employees. Consistent with the Drug-Free and Communities Act Amendments of 1989 (Public Law 101-226), all students and employees are advised that individuals who violate federal, state, or local laws and campus policies are subject to College disciplinary action and criminal prosecution.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in and on Niagara County Community College owned or controlled property. Any Niagara County Community College employee determined to have violated this policy may be subject to disciplinary action up to and including removal. No employee will report to work while under the influence of illegal drugs. Violation of these rules by an employee will be reason for mandatory evaluation/treatment for a substance use disorder or for disciplinary action up to and including removal.

Any student determined to have violated this policy may be subject to disciplinary action as imposed through the Student Code of Conduct procedures. No student shall report to the College while under the influence of illegal drugs. The use of alcohol while on Niagara County Community College owned or controlled grounds is absolutely prohibited except when authorized by the College for approved College functions.

Students and employees should be aware there are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control and withdrawal syndrome as well as serious damage to vital organs of the body can result from drug and alcohol abuse.

The following resources are available for assisting those with possible problems of chemical abuse:

NCCC Wellness Center Science Building Room C122 or by calling (716) 614-6275

EAP-Northpointe Council, Inc. 800 Main Street Suite 2A, Niagara Falls, NY 14094 716-284-2255

YWCA of the Niagara Frontier 32 Cottage Street, Lockport, NY 14094 or by calling 716-433-6714

For further information on the Alcohol & Drug Use in the Workplace Policy, please visit:

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

(SUNY guidelines)

[https://www.goer.ny.gov/Labor\\_Relations/ManagementConfidential/handbook/appdxk.cfm](https://www.goer.ny.gov/Labor_Relations/ManagementConfidential/handbook/appdxk.cfm)

(New York State Guidelines)

<https://ifap.ed.gov/regcomps/attachments/86.pdf>

(Federal Guidelines)

## **New York State Law**

Articles 220 and 221 of the New York State 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. Additional information can be found at this website:

<http://statelaws.findlaw.com/new-york-law/new-york-drug-possession-laws.html>

## **Marijuana**

New York State law classifies possession of up to 25 grams of marijuana as a violation. Penalties range from \$100 to \$250 fine and/or up to 15 days in jail, depending on whether it is a first, second or third offense. Possession of more than 25 grams but not more than eight ounces is a misdemeanor; possession of more than eight ounces is a felony. Sale of 25 grams or less is a misdemeanor; sale of more than 25 grams is a felony. New York State law makes no exception for the use of marijuana for medical purposes.

## **Hashish**

The penalties for sale or possession of hashish are more severe. Possession of any amount, no matter how small, is a misdemeanor punishable by up to one year in county jail and/or up to \$1000 fine. Possession of one-quarter ounce or more is a felony. Sale of any amount of hashish, no matter how small, is a felony.

## **Cocaine and Crack**

Possession of any amount, no matter how small, is the most serious class of misdemeanor punishable by up to 12 months in a county jail. Possession of 500 milligrams or more is a class D felony punishable by 2.3 to 7 years in a state correctional facility. Sale of any amount is a felony.

## **Federal Penalties and Sanctions**

Drug Enforcement Administration of the U.S. Department of Justice website:

<http://www.dea.gov/druginfo/factsheets.shtml>

Federal Trafficking Penalties can be found at: <http://www.dea.gov/druginfo/ftp3.shtml>

## **Alcohol Policy and Enforcement Guidelines for Niagara County Community College**

General Policy for Use of Alcohol on Campus

1. The College adheres to and enforces all federal, state and local laws concerning alcohol. Alcohol may only be sold and served at pre-approved social functions where the Alcohol Use Registration Form has been approved by the College Association.
2. No student under the age of twenty-one may possess or consume alcoholic beverages anywhere on campus.
3. Alcoholic beverages are not permitted in any student housing. These areas are designated as alcohol free. See Student Housing Handbook for more information.
4. The following are prohibited under the College's alcohol policy: binge drinking; driving under the influence; kegs and beer balls, whether empty or full, tapped, or untapped; spiked punch; Jell-O shots containing alcohol; drinking games or any behavior that encourages or contributes to excess alcohol consumption; carrying open containers in any public area of campus; possessing, consuming, and storage of alcohol are prohibited in all public areas, e.g. lounges, hallways, stairwells, common bathrooms, or outdoor areas.

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### **Summary of policies governing the use of alcohol on all Niagara County Community College Properties**

1. No alcohol may be consumed in academic buildings, on Athletic Fields, in the Physical Education complex, at the Niagara Falls Culinary Art Institute or at the Student Housing, except at "alcohol approved" social functions. An alcohol approved social function is one where the Alcohol Use Registration Form is filled out and approved by the College Association.
2. Under New York law, only persons twenty-one (21) years of age or older are legally entitled to purchase, be sold, given, or served alcohol. A person under 21 years of age may not possess or consume alcoholic beverages at any time on the College campus.
3. Under New York law, persons under the age of 21 are prohibited from possessing any alcoholic beverages with intent to consume the beverage. Violators are subject to a fine up to \$50.00 per offense. Authorized law enforcement personnel may seize alcoholic beverages involved in alleged violations of this law.
4. New York law further provides that any person, other than a parent or guardian, who purchases alcohol for, procures for, or gives alcohol to anyone under 21 years of age is guilty of a misdemeanor.
5. Under New York law, anyone under 21 years of age who uses fraudulent proof of age to obtain alcohol is guilty of a misdemeanor. This violation is punishable by a fine of up to \$100.00 and a community service requirement of up to thirty (30) hours
6. The Director of Housing shall interpret the alcohol policy at student housing. The Vice President for Student Services is responsible for implementing and interpreting the alcohol use policy.

## **Alcohol Policy Enforcement**

### ***Example of how to implement procedures***

1. Within NCCC's policies and regulations, the College permits students of legal drinking age to possess and consume alcoholic beverages at special events that had prior administrative approval. However, individuals under 21 years of age may do neither

#### **EXPECTATION:**

College administrators, Resident Housing Officials and CSD (herein referred to as College officials) are expected to clearly explain to students what action will be taken in dealing with alcohol policy violations. When encountering instances of alcohol policy violations, College officials are expected to confront the violators. Information should be provided as to what behavior is inappropriate and what the individual is expected to do to be in compliance with the campus alcohol policy. If the individual is cooperative and complies with the request, the incident may be considered resolved. If the individual is uncooperative or refuses to comply, College officials responsible for the building or area should be contacted. If the policy administrator is unavailable or the individual continues to be uncooperative, the Campus Security Department should be summoned. The CSD will formally identify the violator and state the campus expectation for compliance with the College's alcohol policy. In such cases, an Incident Report will be completed by the CSD and the individual referred to the campus Judicial System. The CSD reserve the right to have the person(s) arrested, or issued a notice to meet with the Vice President of Student Services or the Director of Housing life if such action is deemed necessary.

#### **2. STAFF DIRECTIVES TO VIOLATORS:**

Violators are to be instructed to dispose of the alcohol by means other than consuming it. Students may either pour the alcohol out on their own or give it to a staff member to pour out. When students pour alcohol out themselves, a College official should accompany the student to ensure proper disposal.

Students are not to dispose of alcohol by consuming it, throwing it in a trash can or giving it to another person who may be 21 years of age. The College official should ask the students if they intend to comply with the request. If the students are cooperative, they can proceed to dispose of the alcohol. Internal departmental procedures for communicating and documenting such incidents should take place. It is expected that students who violate the College's alcohol policy will have the incident referred to the campus judicial system for appropriate sanctioning. If the students are uncooperative or refuse the official's request, the Campus Security Department or law enforcement should be summoned for assistance. Again, it is expected such incidents will result in the preparation of an Incident Report and referral of the incident to the campus judicial system for alleged violation of the alcohol policy as well as non-compliance with the College Official.

3. **NOTE:** If College officials encounter an unauthorized bulk container (e.g. beer ball, box of wine, keg, or "bash") it should be removed to an area where it can be drained. Once it is drained the container and tapping equipment, as appropriate, should be returned to the students. If the students refuse to drain the bulk container, the CSD should be summoned.

## **Campus Policy for Governing the Use of Alcohol in Residence Halls**

All Niagara County Community College students who live in residence, and their visitors/guests, are subject to New York State Law and the College's policy regarding possession and consumption of alcohol, as well as specific policies governing the Residence Halls.

#### **1. Definition of Student Housing**

NCCC students have various options to live near campus. In particular, the Student Housing Village Corporation, an affiliated entity to the College Association, that manages all auxiliary functions at the

College, offers NCCC students various living arrangements.

Student Housing is defined as The Student Housing Village, including outdoor areas.

## **2. Alcohol Policy in the Student Housing Village**

Alcoholic beverages are never permitted in residence halls. This includes all residential areas in the Student Housing Village. Visitors or guests of students residing in these areas are not permitted to possess or consume alcohol in these areas regardless of whether they are of legal drinking age. These areas are designated as alcohol free. Web site for alcohol policy:

## **3. Alcohol Policy for Students Under 21 Years of Age Living in the Student Housing Village**

A person under 21 years of age may not possess or consume alcoholic beverages at any time on Housing property. Visitors or guests of students under 21 years of age are not permitted to possess or consume alcohol in the suite or bedroom of an underage student regardless of whether they are of legal drinking age. Alcohol containers, including empty liquor bottles, wine bottles and/or beer cans are prohibited.

## **4. Alcohol Policy for Students Over 21 Years of Age Living in Student Housing**

The following regulations regarding alcohol use apply to students and visitors/guests in the Student Housing Village areas who are 21 years of age or older:

No individual student may possess alcoholic beverages, whether under the age of 21 or of the New York State legal age of 21.

Binge drinking is defined as consuming five or more drinks in about 2 hours for men or four or more drinks in the same time period for women. ([www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/moderate-binge-drinking](http://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/moderate-binge-drinking)) Binge drinking is strictly prohibited.

Individuals of legal drinking age may not provide alcohol to underage roommates, suitemates, visitors or guests.

Drinking games (e.g. beer pong) and other activities that promote the irresponsible use of alcohol are prohibited. This includes the use of alcohol paraphernalia such as funnels and ice luges.

Kegs and beer balls, whether empty or full, tapped or untapped, are prohibited. Spiked punch and Jell-O shots containing alcohol, regardless of alcohol content are also prohibited.

Behavior that encourages or contributes to alcohol consumption by another student is prohibited.

Carrying open containers of alcoholic beverages or consuming them in any public area of the campus is prohibited. This includes movement between residence hall rooms or apartments with an alcoholic beverage.

Compliance with all requests by College and/or Resident officials, including, but not limited to, Residential Life staff or CSD, for proof of 21-year-old status is required. If there is reasonable suspicion to believe that alcohol might be in squeeze bottles, cups or other such containers, College and Residential staff reserve the right to approach students and hold individuals accountable under the provisions of this policy.

Possession, consumption, and storage of alcohol are prohibited in all public areas, e.g. lounges, hallways, stairwells, common bathrooms, or outdoor areas.

Driving on College property while under the influence of alcohol is strictly prohibited and will result in arrest, loss of driving privileges on campus, and possible suspension or expulsion from the College. Please see the following web site for further NYS Department of Motor Vehicles information, including FAQ's regarding Alcohol, Drugs, and DWI: [DMV.ny.gov/tickets/penalties-alcohol-or-drug-related-violations](http://DMV.ny.gov/tickets/penalties-alcohol-or-drug-related-violations).

## Alcohol and Other Drug Education, Prevention Services and Programs

The College offers alcohol and drug education prevention services and referrals. Current information regarding alcohol and drug prevention services and educational programs can be found by linking to:

<https://www.niagaracc.suny.edu/wellness/counseling/>

## The Incident-Sanction Protocol for Alcohol & Other Drug Violations

The Sanction Guide is designed to cover a range of sanctions that would be considered appropriate for a particular violation or behavior – including inappropriate alcohol and other drug use. The College's response is not restricted to those sanctions listed in the protocol. Students are advised that illegal possession and/or use of alcohol and other drugs are strictly prohibited at the College.

See the following link for the Sanction Guide:

[https://www.niagaracc.suny.edu/wp-content/uploads/2019/10/rights\\_and\\_responsibilities.pdf](https://www.niagaracc.suny.edu/wp-content/uploads/2019/10/rights_and_responsibilities.pdf)

## Effects and Symptoms of overdose, withdrawal and misuse of alcohol and drugs

A description of alcohol and drug categories, their effects, symptoms of overdose, symptoms of withdrawal and indications of misuse can be found at: [www.samhsa.gov](http://www.samhsa.gov)

### HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL

Commonly Abused Substances		
Substance	Possible Long-term Effects	Dependence Potential
Alcohol	Toxic psychosis, addiction, neurological and liver damage, fetal alcohol syndrome	Yes
Amphetamines Uppers, speed	Loss of appetite, delusion, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis	Yes
Barbiturates Barbs, bluebirds, blues	Severe withdrawal symptoms, possible convulsions, toxic psychosis, depressions	Yes
Cocaine & cocaine freebase, coke, crack	Loss of appetite, depression, weight loss, seizures, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury	Yes
Codeine	Addiction, constipation, loss of appetite, lethargy	Yes
Heroin H, junk, smack	Addiction, constipation, loss of appetite, lethargy	Yes
LSD Acid	May intensify existing psychosis, panic reactions, can interfere with psychological adjustments and social functioning, insomnia, hallucinations	Possible
MDA, MDMA, MOMA, MDE Ecstasy, xtc	Same as LSD, sleeplessness, nausea, confusion increased blood pressure, sweating	Possible
Marijuana (cannabis) pot, grass, dope, weed, joints	Bronchitis, conjunctivitis, possible birth defects	Yes
Mescaline (peyote cactus) mesc	May intensify existing psychosis, anxiety, sweating, chills and shivering	Possible
Methaqualone Ludes	Coma, convulsions	Yes
Morphine M, morf	Addictions, constipation, loss of appetite	Yes
PCP Crystal, tea, angel dust	Psychotic behavior, violent acts, psychosis	Yes
Psilocybin Magic mushrooms, shrooms	May intensify existing psychosis	Possible
Steriods Roids, juice	Cholesterol imbalance, acne, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage	Yes