

## **Utica University**

### **Annual Notice Regarding Drug and Alcohol Abuse Prevention Policies**

As required by federal law, this annual notice of Utica University's drug and alcohol abuse prevention policies is shared with all students and employees. The notice is being provided via e-mail to ensure community-wide distribution.

Utica University is committed to protecting the safety, health, and well-being of all students, employees, and guests in our workplaces as well as the University community at large. Alcohol and drug use/abuse can be very disruptive. This behavior can adversely affect one's quality of work and pose serious health risks to users and others. Alcohol and drug abuse has a negative impact on productivity and morale.

The University understands early intervention and treatment, as well as a strong support system, increase the potential for individuals affected by drug and alcohol use to seek help. Therefore, a drug and alcohol abuse and prevention program has been established by Utica University. The defined policies and procedures within this program balance respect for individual choice with the necessity to maintain a drug-free environment and prevention of alcohol and substance abuse at Utica University.

Utica University policies regarding a drug-free workplace and prevention of drug and alcohol abuse are consistent with all federal and state laws, regulations, and orders, including, but not limited to, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 (as amended).

#### **Standards of Conduct**

Utica University prohibits employees and students from unlawfully manufacturing, distributing, dispensing, possessing, or using alcohol (except as permitted by University policy), a controlled substance or illicit drugs in the University workplace, on the University campus, or at any University-sponsored activity or event. The Utica University workplace is defined as the University campus (all locations) and any other location where at least one employee is conducting business or representing the University, and University sponsored events.

Utica University is an educational institution dedicated to the pursuit of excellence, the promotion of academic achievement, and the advancement of knowledge. Therefore, Utica University will strenuously enforce the following:

No alcoholic beverages may be sold, served, given away, or consumed on the Utica University campus or any property owned or controlled by Utica University except as permitted by Utica University policy and the laws of New York. Employees and individuals engaged in directly performing work for Utica University will not report to work under the influence of drugs or alcohol and will exercise discretion in consuming alcohol while attending University-sponsored events at which alcohol is being served.

In accordance with Federal Law, the possession and/or use of any amount of marijuana or items used to consume marijuana is prohibited on the Utica University campus or any property owned or controlled by Utica University or at any Utica University-sponsored activity or event.

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The unlawful manufacture, distribution, dispensing, possession, and/or use of an illicit drug or controlled substance by students or employees shall be prohibited on the Utica University campus or at any Utica University-sponsored activity or event.

#### Legal Sanctions

Possession or sale of controlled substances, including marijuana, is considered a serious offense in the State of New York and can result in stiff fines and/or lengthy jail sentences. Correspondingly, violations of New York State law concerning purchase, possession, and distribution of alcoholic beverages can result in fines, imprisonment, and/or other penalties.

The following are some of the legal sanctions under local, state, and/or federal law concerning drugs and alcohol. These are merely set forth as an example of the various sanctions and are not meant to be inclusive of all laws or statutes. In addition, laws are often amended and sanctions changed. Many offenses and sanctions are case specific and therefore this notice should not be considered legal advice.

#### Driving While Intoxicated and Driving with Ability Impaired by Drugs

Attempting to operate a motor vehicle while under the influence of alcoholic beverages or other drugs is an extremely dangerous practice that may result in injury or death. Persons who operate a motor vehicle while under the influence of alcohol beverages or other drugs are subject to arrest and conviction, including, but not limited to, Driving While Intoxicated (DWI), Driving With Ability Impaired (DWAI), vehicular assault, vehicular manslaughter, and/or aggravated vehicular homicide. Sanctions will result in increased fines and jail time if the offenses are repeat offenses. New York adheres to a "zero tolerance rule," and any individuals under the age of 21 years who plead or are convicted of a drug or alcohol related driving offense may be subject to further sanctions and suspensions.

Convictions under these statutes may lead to fines, legal fees, and increased insurance premiums. Further, conviction under a misdemeanor drug or alcohol-related driving offense will result in a criminal record which may have to be disclosed when seeking employment, applying to graduate programs, and applying for financial aid.

Multiple offenses will result in additional charges at the misdemeanor or felony level and penalties as defined in New York State penal law.

#### Criminal Sanctions for Unlawful Use and Distribution of Alcohol in New York State

The use of alcoholic beverages is subject to the New York Alcoholic Beverage Control Law and certain provisions of the New York State Penal Law. These laws pertain to the possession, sale, or serving of alcoholic beverages.

1. It is illegal for individuals under the age of 21 to possess alcoholic beverages. Underage drinkers are subject to a \$50 fine and possible community service up to 30 hours.

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2. An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine of up to \$300 and a possible jail sentence of up to fifteen days. If the fraudulent identification is a New York State driver's license, the revocation of the license will be added to the above penalty.
3. No person may sell, deliver, or give any alcoholic beverage to a person under the age of 21. (The law does not apply to the parent of a minor). Individuals violating this law are guilty of a Class B Misdemeanor, and may be subject to a fine not exceeding \$1000 and a term of imprisonment not to exceed one year.
4. A person who misrepresents the age of a person under 21 for the purpose of inducing the sale of alcohol to the "underage" person is guilty of an offense and is subject to a fine of not more than \$300 and imprisonment not to exceed fifteen days, or both.
5. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, shall have right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and in any such action such person shall have the right to recover actual damages.
6. Any person who shall be injured in person, property, means of support, or otherwise by reason of intoxication or impairment of any person under the age of 21 years shall have a right of action against any person who knowingly causes such intoxication or impairment by unlawfully furnishing to or assisting in procuring alcohol for such a person with knowledge or cause to believe that such person was under the age of 21 years.

### Criminal Sanctions for Unlawful Use and Distribution of Drugs in New York State

Marijuana – Article 221 of the Penal Law of the State of New York deals with offenses involving marijuana. The following are the New York laws covering the possession and sale of marijuana:

Under New York State Law, effective March 31, 2021, it is no longer a crime to smoke or possess limited amounts of cannabis (marihuana or marijuana).

Article 221 of the New York State Penal Law which contained the marihuana charges that made the possession, use, and sale of marihuana illegal, is no longer in effect. That section has been replaced with a new section, NYS Penal Law article 222.

Under New York State Law, it is now lawful for an adult 21 years of age or older to:

- possess, display, purchase, obtain, or transport up to three ounces of cannabis and up to twenty-four grams of concentrated cannabis.
- give or transfer up to three ounces of cannabis and up to twenty-four grams of concentrated cannabis without compensation (usually money) to another adult 21 years of age or older.
- smoke cannabis anywhere that smoking tobacco would be permitted unless another law, rule or local policy forbids it. Additionally, private establishments or businesses

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have the right to make their own rules and policies regarding the possession, use or transfer of cannabis on property or buildings.

#### What Can't You Do:

- You cannot smoke or vape cannabis in any place where smoking is not allowed.
- In New York City, you cannot smoke cannabis or tobacco in parks, at beaches, on boardwalks, or in pedestrian plazas and playgrounds.
- You cannot smoke cannabis in schools, workplaces, or cars.
- Under New York State law it is still illegal to possess or sell more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis. See [NYS Penal Law Article 222](#) for a list of offenses.
- Driving while impaired from marijuana is still a crime.

#### Fines

Under New York State law, an individual who smokes cannabis in public in a location where it is not permitted can face civil penalties and can be fined up to \$25 or directed to perform 20 hours of community service.

Section 222.10 Restrictions on cannabis use Unless otherwise authorized by law or regulation, no person shall:

1. smoke or vape cannabis in a location where smoking or vaping cannabis is prohibited pursuant to article thirteen-E of the public health law; or
2. smoke, vape or ingest cannabis or concentrated cannabis in or upon the grounds of a school, as defined in subdivision ten of section eleven hundred twenty-five of the education law or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law; provided, however, provisions of this subdivision shall not apply to acts that are in compliance with article three of the cannabis law.

Notwithstanding any other section of law, violations of restrictions on cannabis use are subject to a civil penalty not exceeding twenty-five dollars or an amount of community service not exceeding twenty hours.

Section 222.15 Personal cultivation and home possession of cannabis

1. Except as provided for in section forty-one of the cannabis law, and unless otherwise authorized by law or regulation, no person may:

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(a) plant, cultivate, harvest, dry, process or possess more than three mature cannabis plants and three immature cannabis plants at any one time: or

(b) plant, cultivate, harvest, dry, process or possess, within his or her private residence, or on the grounds of his or her private residence, more than three mature cannabis plants and three immature cannabis plants at any one time: or

(c) being under the age of twenty-one, plant, cultivate, harvest, dry, process or possess cannabis plants.

2. No more than six mature and six immature cannabis plants may be cultivated, harvested, dried, or possessed within any private residence, or on the grounds of a person's private residence.

3. The personal cultivation of cannabis shall only be permitted within, or on the grounds of, a person's private residence.

4. Any mature or immature cannabis plant described in paragraph (a) or (b) of subdivision one of this section, and any cannabis produced by any such cannabis plant or plants cultivated, harvested, dried, processed or possessed pursuant to paragraph (a) or (b) of subdivision one of this section shall, unless otherwise authorized by law or regulation, be stored within such person's private residence or on the grounds of such person's private residence. Such person shall take reasonable steps designed to ensure that such cultivated cannabis is in a secured place and not accessible to any person under the age of twenty-one.

5. Notwithstanding any law to the contrary, a person may lawfully possess up to five pounds of cannabis in their private residence or on the grounds of such person's private residence. Such person shall take reasonable steps designed to ensure that such cannabis is in a secured place not accessible to any person under the age of twenty-one.

6. A county, town, city or village may enact and enforce regulations to reasonably regulate the actions and conduct set forth in subdivision one of this section; provided that:

(a) a violation of any such a regulation, as approved by such county, town, city or village enacting the regulation, may constitute no more than an infraction and may be punishable by no more than a discretionary civil penalty of two hundred dollars or less; and

(b) no county, town, city or village may enact or enforce any such regulation or regulations that may completely or essentially prohibit a person from engaging in the action or conduct authorized by subdivision one of this section.

A violation of this section, other than paragraph (a) of subdivision six of this section, may be subject to a civil penalty of up to one hundred twenty-five dollars per violation.

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7. The office of cannabis management shall issue regulations for the home cultivation of cannabis. The office of cannabis management shall enact, and may enforce, regulations to regulate the actions and conduct set forth in this section including requirements for, or restrictions and prohibitions on, the use of any compressed flammable gas solvents such as propane, butane, or other hexane gases for cannabis processing; or other forms of home cultivation, manufacturing, or cannabinoid production and processing, which the office determines poses a danger to public safety; and to ensure the home cultivation of cannabis is for personal use by an adult over the age of twenty-one in possession of cannabis plants, and not utilized for unlicensed commercial or illicit activity, provided any regulations issued by the office shall not completely or essentially prohibit a person from engaging in the action or conduct authorized by this section.

8. The office of cannabis management may issue guidance or advisories for the education and promotion of safe practices for activities and conduct authorized in subdivision one of this section.

9. Subdivisions one through five of this section shall not take effect until such a time as the office of cannabis management has issued regulations governing the home cultivation of cannabis. The office shall issue rules and regulations governing the home cultivation of cannabis by certified patients as defined in section three of the cannabis law, no later than six months after the effective date of this article and shall issue rules and regulations governing the home cultivation of cannabis for cannabis consumers as defined by section three of the cannabis law no later than eighteen months following the first authorized retail sale of adult-use cannabis products to a cannabis consumer.

Section 222.20 Licensing of cannabis production and distribution; defense In any prosecution for an offense involving cannabis under this article or an authorized local law, it is a defense that the defendant was engaged in such activity in compliance with the cannabis law.

Section 222.25 Unlawful possession of cannabis A person is guilty of unlawful possession of cannabis when he or she knowingly and unlawfully possesses cannabis, and such cannabis weighs more than three ounces or concentrated cannabis and such concentrated cannabis weighs more than twenty-four grams.

*Unlawful possession of cannabis is a violation punishable by a fine of not more than one hundred twenty-five dollars.*

Section 222.30 Criminal possession of cannabis in the third-degree A person is guilty of criminal possession of cannabis in the third degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than sixteen ounces; or
2. concentrated cannabis and such concentrated cannabis weighs more than five ounces.

*Criminal possession of cannabis in the third degree is a class A misdemeanor.*

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Section 222.35 Criminal possession of cannabis in the second-degree A person is guilty of criminal possession of cannabis in the second degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than five pounds; or
2. concentrated cannabis and such concentrated cannabis weighs more than two pounds.

*Criminal possession of cannabis in the second degree is a class E felony.*

Section 222.40 Criminal possession of cannabis in the first-degree A person is guilty of criminal possession of cannabis in the first degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than ten pounds; or
2. concentrated cannabis and such concentrated cannabis weighs more than four pounds.

*Criminal possession of cannabis in the first degree is a class D felony.*

Section 222.45 Unlawful sale of cannabis A person is guilty of unlawful sale of cannabis when he or she knowingly and unlawfully sells cannabis or concentrated cannabis.

*Unlawful sale of cannabis is a Violation punishable by a fine of not more than two hundred fifty dollars.*

Section 222.50 Criminal sale of cannabis in the third-degree A person is guilty of criminal sale of cannabis in the third degree when:

1. he or she knowingly and unlawfully sells more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis; or
2. being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, cannabis or concentrated cannabis to a person less than twenty-one years of age; except that in any prosecution under this subdivision, it is a defense that the defendant was less than three years older than the person under the age of twenty-one at the time of the offense. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a designated caregiver facility acting in compliance with article three of the cannabis law.

*Criminal sale of cannabis in the third degree is a class A misdemeanor.*

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Section 222.55 Criminal sale of cannabis in the second-degree A person is guilty of criminal sale of cannabis in the second degree when:

1. he or she knowingly and unlawfully sells more than sixteen ounces of cannabis or more than five ounces of concentrated cannabis; or
2. being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis to a person less than eighteen years of age. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a designated caregiver facility acting in compliance with article three of the cannabis law.

*Criminal sale of cannabis in the second degree is a class E felony.*

Section 222.60 Criminal sale of cannabis in the first-degree A person is guilty of criminal sale of cannabis in the first degree when he or she knowingly and unlawfully sells more than five pounds of cannabis or more than two pounds of concentrated cannabis.

*Criminal sale of cannabis in the first degree is a class D felony.*

Section 222.65 Aggravated criminal sale of cannabis A person is guilty of aggravated criminal sale of cannabis when he or she knowingly and unlawfully sells cannabis or concentrated cannabis weighing one hundred pounds or more.

*Aggravated criminal sale of cannabis is a class C felony*

Controlled Substances – Section 220 of the New York Penal Law defines those drugs considered “Controlled Substances,” including narcotic drugs (such as Oxycodone), narcotic preparations, hallucinogens (LSD, “hallucinogenic mushrooms,” etc.), stimulants (such as Adderall), depressants, sedatives (such as Xanax), and concentrated forms of cannabis. Individual statutes deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is considered a felonious offense and may result in a lengthy jail sentence.

With the exception of “Criminal Possession of a Controlled Substance in the Seventh Degree,” which is considered a misdemeanor, all other statutes in Section 220 of the Penal Law are felonies. The following are some of the New York laws covering the unlawful sale and possession of drugs and drug paraphernalia:



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<b>OFFENSE</b>	<b>DEGREE</b>	<b>PENALTY</b>
Criminal Possession of Controlled Substance – 220.03  220.06 220.09 220.16 220.18 220.21	7th Degree Knowingly and unlawfully possesses a controlled substance  5th Degree 4th Degree 3rd Degree 2nd Degree 1st Degree	Class A. Misd, 0 to 1 year  Class D Felony, 1- 4 ½ years Class C Felony, 1-9 years Class B Felony, 1-15 years Class A–II Felony, 3-17 years Class A – I, 8-30 years
Criminal Sale of a Controlled Substance – 220.31 220.34 220.39 220.41 220.43	5th Degree 4th Degree 3rd Degree 2nd Degree 1st Degree	Class D Felony, 1-4 ½ years Class C Felony, 1-9 years Class B Felony, 1-15 years Class A–I Felony, 8-30 years Class A – II, 3-17 years
Drug Paraphernalia - Criminal Possession of Hypodermic Instrument – 220.45		Class A Misdemeanor - 0 to 1 year
Criminal Injection of a Narcotic Drug – 220.46		Class E Felony, 1-2 ½ years
Criminal Use of Drug Paraphernalia – 200.50 220.55	2nd Degree 1st Degree	Class A Misdemeanor - 0 to 1 year Class D Felony – 1- 4 ½ years
Criminal Sale of a Prescription for a Controlled Substance – 220.65		Class C Felony – 1-9 years
Criminal Possession of Methamphetamine Manufacturing Material-220.70 220.71	2nd Degree 1st Degree	Class A Misdemeanor - 0 to 1 year Class E Felony, 1-2 ½ years
Unlawful Manufacturing of Methamphetamine-220.73 220.74 220.75	3rd Degree 2nd Degree 1st Degree	Class D Felony, 1-4 ½ years Class C Felony, 1-9 years Class B Felony, 1-15 years

There are additional federal laws that prohibit the sale, manufacturing, possession or distribution of controlled substances under federal law. Some of these laws are set forth at 21 U.S.C. §812, 841 and 21 C.F.R. 1308.11 through 1308.15.

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#### Health Risks Associated with Alcohol and Drug Abuse

The following are some of the health risks associated with alcohol and drug use and abuse:

#### Health Risks Associated with Alcohol Use and Abuse

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 acts, 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 may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol may produce the effects just described.

#### Health Risks Associated with Drug Use and Abuse

There are significant risks with drug use and abuse. Information concerning the risks can be found at [www.drugfree.org](http://www.drugfree.org).

#### Alcohol and Substance Abuse Prevention Program

Utica University is committed to providing Utica University employees with assistance for alcohol and drug problems through the Employee Assistance Program (EAP). In addition, Utica University makes available to all students a variety of alcohol and other drug prevention services consisting of educational programs, individual counseling, and referral to off-campus agencies (if indicated).

During the academic year, the Division of Student Affairs sponsors workshops, seminars, and other sessions designed to educate the campus on the topic of alcohol and other drugs. The Counseling Center plans and facilitates outreach programs throughout the year, including Alcohol Awareness Week (in October) and Alcohol Screening Day (in April). In addition, The Counseling Center provides year-round educational passive programming through bulletin board displays, brochures and handouts, and bathroom buzzes (i.e. informational flyers posted in campus bathrooms). The Counseling Center offers confidential individual counseling services to students who wish to discuss concerns related to alcohol and other drugs. Consultation services are also available for students as well as faculty and staff who are seeking information and/or are concerned about the substance use of others.

A list of online educational resources is available on the Counseling Center website at:

<http://www.utica.edu/student/development/counseling/links.cfm>.

In addition to services and referrals offered through the Counseling Center and the Student Health Center, the following services and sources of information are available locally:

1. Alcoholics Anonymous (315) 732-6880

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2. Community Recovery Center (315) 334-4701
3. Helio Health – Insights of Helio Health 624-9825 [www.heliohealth.com](http://www.heliohealth.com)  
For Utica: <https://www.helio.health/about/locations/utica-opioid-treatment-program/>

The following are toll-free information and referral services:

4. New York State Addictions Helpline 1-800-522-5353
5. National Substance Abuse Treatment Referral Services 1-800-662-HELP (1-800-662-4357)

There are several treatment programs in our area:

6. Addictions Crisis Center Rescue Mission of Utica Inc.  
210 Lansing Street, Utica NY, 13501  
(315) 735-1645
7. McPike Addiction Treatment Center  
1213 Court Street, Utica NY, 13502  
(315) 738-4600
8. Day Rehabilitation Program Insight House Chemical Dependency Services Inc.  
500 Whitesboro Street, Utica NY, 13502  
(315) 724-5168
9. Rutger Community Residence Catholic Charities/Diocese of Syracuse  
1505 Whitesboro St., Utica NY, 13502  
(315) 738-8483
10. Utica Supportive Living  
1001 Park Avenue, Utica NY, 13501  
(315) 738-6002
11. Catholic Charities Women’s Halfway House  
1616 Genesee Street, Utica NY, 13502  
(315) 792-1007

We also have access to several support groups such as Al-Anon, Alcoholics Anonymous, and Just Say No.

Illnesses or injuries related to drugs or alcohol can be very serious and sometimes fatal. If you or someone you know has suffered a drug or alcohol related illness or injury, immediate care can be accessed at one of the following local healthcare facilities:

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Wynn Hospital Emergency Department  
111 Hospital Drive  
Utica, NY 13502  
315-917-WYNN (9966)

WellNow/Primary Urgent Care  
1904 Genesee Street  
Utica, NY 13502  
(315) 275-3067

Slocum Dickson Urgent Care  
1729 Burrstone Rd,  
New Hartford, NY 13413  
(315) 798-1500

Liverpool, NY Campus:  
Upstate Medical  
750 E. Adams Street  
Syracuse NY 13210  
Main number (315) 464-5540

Latham, NY Campus:  
St. Peter's Hospital  
315 S Manning Blvd  
Albany, NY 12208  
Main Number (518) 525-1550

St. Petersburg, FL Campus:  
Northside Hospital  
6000 49th Street North  
St. Petersburg FL 33709  
Main number (727) 521-4411

Questions and concerns regarding these programs and services should be addressed to the Director of Human Resources & Personnel Development, Dean of Students, or Vice President for Emergency Management.

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#### **Student Conduct and Employee Sanctions**

Employees and students who violate the Standards of Conduct outlined in this memo will be subject to conduct sanctions, including, but not limited to, expulsion, or termination. Said discipline shall be pursuant to the University's policies and procedures. An employee may be suspended and/or required to enter a drug or alcohol rehabilitation program as part of the discipline. Employees offered the opportunity to participate in rehabilitation as part of the disciplinary action must sign and abide by the terms set forth in a Return-to-Work agreement as a condition of continued employment. Utica University may, at its sole discretion, require any employee subject to a Return-to-Work Agreement to submit to periodic drug and alcohol testing.

Students shall be subject to action through the University's student conduct system. Sanctions may include, but are not limited to, suspension or expulsion. Students convicted of certain drug violations may also be subject to loss of financial aid benefits.

Utica University additionally shall impose conduct sanctions, consistent with local, state and federal law, including, but not limited to, the Drug-Free Workplace Act of 1988, and reserves the right to refer the matter for prosecution with the appropriate authorities.