

# Policies on Alcohol and Other Drugs

The Drug-Free Schools and Communities Act Amendments of 1989 require each educational institution, as a condition of receiving funds or any form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use, and distribution of alcohol or illicit drugs by students and employees.

Russell Sage College Alcohol and other Drug Prevention Program is designed to:

1. Promote student adherence to applicable federal and state laws;
2. Stress safety, responsibility, and individual accountability for those who choose to drink alcohol;
3. Provide an environment free of coercion for those who choose not to drink;
4. Promote an environment that is incompatible with the abuse of alcohol and other drugs and in which healthy, low-risk behaviors are emphasized;
5. Provide information and education for all members of the college community; and
6. Provide counseling and/or referrals to students with substance abuse concerns.

In compliance with these standards, the College must disseminate its Alcohol and other Drug Policies in writing to all students and employees, on a yearly basis. The College will also conduct a biennial review of its program to determine its effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

Each member of the community is responsible for contributing actively to and sustaining a healthy campus environment. Community members are expected to be law-abiding, knowledgeable and thoughtful about decisions regarding alcohol consumption. The College provides information about alcohol use and abuse and urges all community members to become informed consumers or non-consumers.

The College encourages those with concerns about their own or others' possible difficulties with alcohol and/or drugs to seek confidential and private assistance on or off campus. Such assistance is available through the Wellness Center, the Residence Life or Dean of Students Office for each College, or the Human Resources Office.

## Alcohol, Drugs, and the Law

Laws relating to alcohol and drugs exist at all levels of government. As a general rule, federal and state laws prohibit the manufacture, sale, use or possession of illegal drugs, also known as controlled substances. State and local laws are used to regulate behavior related to alcohol. The primary laws regulating behavior related to controlled substances are **Title 21 of the U.S. Code** and the New York Penal Law. Both prohibit the manufacture, sale, use or possession of controlled substances. Both laws also provide penalties for violation of their provisions. Penalties vary in severity, according to many factors such as:

- whether a drug is sold or possessed
- specific drug sold or possessed
- quantity of drug sold or possessed
- age of the person to whom a drug is sold
- location where a drug is sold
- criminal history of the accused

Those penalties may include any of the following or combinations of the following:

- imprisonment
- fine
- probation
- community service
- asset forfeiture

Both laws classify crimes as either felonies or misdemeanors. Felonies are those crimes that are punishable by more than one year in prison. Misdemeanors are those crimes that are punishable by less than one year in jail. The New York Penal Law has a third classification, called **violations**, which are not considered to be crimes and which are punishable by no more than 15 days in jail and fines of no more than \$100.

## New York State Law

Offenses against the **Alcohol Beverage Control (ABC) Law** are violations and generally punishable by fines of no more than \$100, and/or imprisonment of no more than 15 days. Some offenses carry more severe penalties for repeat offenders and some allow the imposition of a community service requirement/and/or an alcohol education program.

**Sec. 65** provides that no person shall sell, deliver or give away, or cause or permit or procure to be sold, delivered, or given any alcoholic beverages to any person, actually or apparently, under the age of 21 years; any visibly intoxicated person; or any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverages.

**Sec. 65-a** prohibits the misrepresentation of age of a person under the age of 21 for the purpose of inducing the sale of alcoholic beverages.

**Sec. 65-b** prohibits the purchase or attempted purchase of alcoholic beverages through fraudulent means by a person under the age of 21.

**Sec. 65-c** prohibits the possession with intent to consume of an alcoholic beverage by a person under the age of 21.

## Vehicle and Traffic Law

Offenses against the Vehicle and Traffic Law may be violations, misdemeanors or felonies, depending generally on the blood alcohol content of the offender or previous convictions. Penalties may include fines, probation, imprisonment, community service, loss of driving privileges and alcohol awareness programs. Be aware that loss of driving privileges may occur prior to a finding of guilt. Also, be aware that automobile crashes that involve an intoxicated operator causing injury or death may result in assault or homicide charges against the operator.

**Sec. 1192** prohibits the operation of a motor vehicle while:

- the driver's ability to operate a motor vehicle is impaired by the consumption of alcohol,
- the driver's ability to operate a motor vehicle is impaired by drugs, or
- the driver is intoxicated, per se, as determined by a chemical analysis of the blood, breath, urine or saliva measuring the BAC to be more than .08 of one per centum by weight.

**Sec. 1192-a** prohibits the operation of a motor vehicle by a person under 21 years of age after having consumed alcoholic beverages.

**Sec. 1227** prohibits the consumption of alcoholic beverages or the possession of an open container containing an alcoholic beverage in a motor vehicle.

## Public Health Law

The New York State Public Health Law regulates behavior considered to be harmful in many areas, such as communicable diseases, sexually transmitted diseases, smoking and drugs. Specifically, **Article 3300**, also known as the **New York State Controlled Substance Act**, prohibits the manufacture, sale, or possession of the same drugs as prohibited by the Penal Law. Additional prohibitions of the Public Health Law include:

**Sec. 3304.2** prohibits possession of a New York State prescription except as lawfully written by a physician, etc.

**Sec. 3345** prohibits the possession of a prescription drug outside the container in which it was originally dispensed.

**Sec. 3380** prohibits the use, possession or sale of hazardous inhalants such as glue, cement, gasoline or nitrite compound for the purpose of causing intoxication, inebriation, excitement, etc.

**Sec. 3381** prohibits the possession or sale of a hypodermic needle or syringe except pursuant to a lawful prescription.

**Sec. 3382** prohibits the growing of a plant of the genus cannabis, or the failure to destroy such a growing plant on one's property.

**Sec. 3383** prohibits the manufacture, sale or possession of any substance that appears, either by markings or packaging, to be a controlled substance that, in fact, is not a controlled substance.

**Sec. 33**

## Russell Sage College Alcohol and Drug Regulations

**97** prohibits persons from obtaining or attempting to obtain a controlled substance, a prescription for a controlled substance or an official prescription form by fraud, deceit, misrepresentation or subterfuge.

## Penal Law

Most crimes involving the unlawful possession and distribution of drugs are defined under the New York Penal Law, which contains exhaustive lists of various controlled substances, specific types of offenses, and sanctions ranging from a fine or not more than \$100 to imprisonment for life.

**Sec. 120.05.5**, assault in the second degree, prohibits the administration to another, without his consent, of a drug, substance or preparation capable of causing stupor, unconsciousness or other physical impairment or injury.

**Sec. 130.00.6** provides that administration of a narcotic or intoxicating substance to another, without their consent, that causes them to become mentally incapacitated, renders the administrator guilty of rape, sodomy or sexual abuse upon the requisite sexual activity. In more simple terms, sexual conduct following the unwitting consumption of so called "date rape" drugs or "spiked" drinks makes those who administered the drug guilty of rape, sodomy or sexual abuse.

**Sec. 170.05**, forgery in the third degree, prohibits the making, completing or altering of a written instrument with intent to defraud, deceive or injure another. This section can be used to charge a person who alters a driver's license or other official form of identification for the purpose of obtaining alcoholic beverages.

**Sec. 170.20**, criminal possession of a forged instrument, prohibits the possession of a written instrument as described above, regardless of who made, completed or altered it.

Russell Sage College abide by federal and state laws prohibiting the possession, use, or distribution of illegal drugs or narcotics and will not interfere with the legal prosecution of any member of the College community who violates these laws.

- In compliance with New York State law, students at Russell Sage College under the age of 21 may not purchase, nor possess with the intent to consume, alcoholic beverages.
- Alcoholic beverages may not be sold to anyone on either Sage campus unless it is under the license of a college approved vendor or caterer.
- Open containers of alcohol are not permitted in public areas.
- On- and off-campus events sponsored by student organizations must receive prior approval of the Dean of Students and comply with party regulations (see Party Regulations in the Student Handbook).
- In the Albany Residence Hall, the use or possession of alcohol by any resident or guest, regardless of age, is prohibited.
- On the Troy campus, students who are under 21 years of age may not consume alcohol in their residence hall rooms.
- Kegs or bulk containers are not permitted in the residence halls.
- Students who violate these regulations are subject to disciplinary sanctions as outlined in the Student Conduct Code.
- Possession, sale or use of illegal drugs or drug paraphernalia, or being present where illegal drugs are being used, is prohibited on the Sage campuses.
- Individuals possessing illegal drugs or any drug paraphernalia, using illegal drugs or present where illegal drugs are being used will be subject to confiscation and review by the appropriate college administrator.
- The odor of marijuana in student rooms, corridors, lounges, or public areas is sufficient evidence to warrant investigation by a staff member and imposition of sanctions.

Any student judged guilty of illegal drug use on College property will be subject to immediate disciplinary action, which may involve suspension or dismissal. This action will be taken independently of any action that might be taken by municipal, state, or federal agencies.

## Disciplinary Sanctions

Russell Sage College will impose disciplinary sanctions on students and employees who violate the aforementioned standards of conduct. Among the sanctions which may be imposed on **students** are: warning, fine, parental notification, mandated alcohol/drug assessment, alcohol education, probation, community service, suspension, expulsion, or referral for prosecution. Among the sanctions which may be imposed on **employees** are: verbal warning, written reprimand, suspension with or without pay, termination or referral for prosecution.

## Health Risks

Students and employees should be aware of the health risks associated with the use and abuse of alcohol and illicit drugs. 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. Moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including domestic violence, child abuse, and rape. 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 to the central nervous system, much lower doses of alcohol will produce the effects 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 lead to permanent damage of 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 individuals of developing problems with alcohol.

Drugs interfere with the brain's ability to take in, sort and synthesize information. They distort perception, which can lead users to harm themselves or others. Drug use also affects sensation and impairs memory. In addition to these general effects, specific health risks including substance dependence and death are associated with particular categories of controlled substances.