



Drug-Free Schools and Communities Act

Annual Notification, 2020



ITHACA COLLEGE

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ABOUT

Annual Notification of Drug and Alcohol Policies and Programs

As a requirement of the Drug-Free Schools and Communities Act (EDGAR Part 86), Ithaca College is required to disseminate drug and alcohol-related information to all students and employees on an annual basis. The college is required to inform the community of standards of conduct, sanctions for violations, prevention programming, health risks associated with alcohol and drug use/abuse, and local, state, and federal laws related to drug and alcohol use, and on-campus and community resources that are available to students, faculty, and staff. Ithaca College policies related to alcohol and illicit drug use are informed by state and federal laws, such as Drug-Free Schools and Communities Act, Drug-Free Workplace Act, and Omnibus Transportation Employee Testing Act.

Drug-Free Schools and Communities Act (DFSCA) of 1989

The Drug-Free Schools and Communities Act (DFSCA) is a federal law that requires colleges and universities receiving federal funds to adopt, implement and evaluate drug and alcohol abuse prevention programming.

Drug-Free Workplace Act of 1988

Policy on the Drug-Free Workplace Act is located in section [2.2.8.2 of the Ithaca College Policy Manual](#).

Omnibus Transportation Employee Testing Act (OTETA)

Policy on Compliance with the Omnibus Transportation Employee Testing Act is located in [section 2.8.8.7 of the Ithaca College Policy Manual](#).

Looking Ahead

Information provided in this publication includes policies related to drug and alcohol use; standards of conduct for all community members; student-specific sanctions; employee-specific sanctions; alcohol and other drug prevention programming, health risks associated with use; local, state, and federal laws and penalties related to alcohol consumption and illicit drug use; and on-campus and community resources.

DFSCA (1989) POLICY STATEMENT

Ithaca College Policy Manual 2.2.8.2

Ithaca College does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on College property or as part of any College-sponsored activity. Faculty and staff who are found in violation of this policy will be subject to appropriate disciplinary action consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, suspension from employment, or termination of employment. In addition, faculty and staff may be referred to appropriate law enforcement authorities for prosecution.

Students who violate this policy will be charged under the Ithaca College Student Conduct Code included in section 7.1.2 of Volume VII of the Ithaca College Policy Manual. If found responsible for their actions, students receive an appropriate sanction consistent with local, state, and federal laws, up to and including expulsion from the College. Disciplinary measures may include required completion of an appropriate rehabilitation program. In addition, students may be referred to the proper law enforcement authorities for prosecution.

Although New York State law now permits the use of medical marijuana under certain conditions, federal law prohibits all use, possession, and/or cultivation of marijuana at U.S. educational institutions. Federal law also requires any institution of higher education which receives federal funding to have policies in place which prohibit possession and use of marijuana on campus. Therefore, the use, possession, and/or cultivation of marijuana for medical purposes is not allowed in any Ithaca College residence hall or on any other Ithaca College property. No exceptions can be made for any student based on their possession of a medical marijuana certification, registry ID card, or any other proof of medical marijuana eligibility.

STANDARDS OF CONDUCT: *STUDENTS*

All students must adhere to policies and guidelines regarding the use of alcohol and/or illicit drugs that are contained within the Ithaca College Student Conduct Code, Ithaca College [Campus Event Policy](#), and the [Residential Life Rules and Regulations](#). Available below is a summary of policies, and all readers are encouraged to read the aforementioned policies statements in their entirety. Further, Ithaca College adheres to all local, New York State, and federal laws regarding drugs and alcoholic beverages.

Regulations for Residence Halls

Every effort is made to develop an atmosphere where students may learn and develop positive academic and social habits. Residential Life rules and regulations have been established to ensure that the rights of the individual, as well as those of the community, are upheld. All students residing in residential housing should review [7.5.2 Rules and Regulations](#) and all applicable publications.

Alcoholic Beverages

Persons under the age of 21 are prohibited from purchasing, possessing, or consuming any type of alcoholic beverage anywhere on campus at any time, including all residence hall rooms and apartments. Students age 21 or older may possess and consume alcohol in any residence hall room or apartment, but are prohibited from purchasing alcohol for or providing alcohol to minors. The following are prohibited in residence halls and apartments, for all persons, regardless of age: high risk drinking paraphernalia, including but not limited to beer pong tables and beer bongs/funnels; and all drinking games, with or without alcohol.

Marijuana

As mentioned above in the Drug-Free Schools and Communities Act policy statement, the use, possession, and/or cultivation of marijuana for medical purposes is not allowed in any Ithaca College residence hall or on any other Ithaca College owned, controlled or leased property. No exceptions can be made for any student based on their possession of a medical marijuana certification, registry ID card, or any other proof of medical marijuana eligibility.

Illicit and Other Drugs

The unlawful possession, use, manufacture, purchase, distribution, or sale of prohibited and controlled substances-including, without limitation, illegal drugs or drug paraphernalia, or prescription drugs without a prescription, is prohibited and is cause for disciplinary action. Public Safety is authorized to investigate alleged violations of state, federal, or local laws with respect to the possession, use, manufacture, purchase, or sale of drugs.

Medical Amnesty Policy

MAP is intended to encourage students to seek medical assistance related to drug and alcohol use without worrying about Student Code of Conduct judicial consequences. Individuals are strongly encouraged to call for medical assistance for themselves, friend, acquaintance or anyone who is suffering from the effects of alcohol or other drugs. The policy was created and endorsed by Students for a Sensible Drug policy (SSDP), Student Governance Council (SGC), Residential Life and Judicial Affairs, Public Safety, Counseling and Wellness, and Student Affairs and Campus Life.

STUDENT-SPECIFIC SANCTIONS

The following are guidelines utilized for judicial decisions regarding minimum sanctions and interventions for students who violate drug and alcoholic consumption policies.

- Sanctions may accelerate based on the progression, severity, or frequency of the violation, particularly when sale or distribution of alcohol or other drugs, or threatening, violent, and/or destructive behavior is present.
- Accelerated sanctions may include removal from campus housing, suspension, or expulsion. Criminal prosecution may also occur in cases that rise to the level of crime.
- Violations accrue over the course of a student's entire matriculation period. Once a student commits a Level 2 violation, future violations within a year of the date of that violation will be considered Level 2, even if the violation is Level 1. If a full year passes without incident, then a Level 1 violation will be considered as such.
- 1 alcohol violation + 1 marijuana violation = 2 violations.
- Failure to complete judicial requirements may result in accelerated charges, fees, and sanctions including a judicial hold placed on the student's record. The judicial hold will prevent the student from registering for or adding/dropping classes until the judicial requirement is completed and the hold is cleared.
- If the violation qualifies under the Medical Amnesty Policy (MAP), only the timely completion of the BASICS I program is required, and the fee will be waived. Any future violation will be considered as a 1st Violation.

Level 1 Behavior: Unlawful possession or use of alcohol, marijuana, or related paraphernalia.

Level 2 Behavior: Unlawful possession or use of alcohol, marijuana and/or marijuana accompanied by one or more of the following: significant impairment of functioning, medical transport, behavior that is disruptive, destructive, or disorderly, and/or any other evidence of problematic use.

Student-Specific Sanctions

| | Level 1 Behavior | Level 2 Behavior |
|-------------------------|---|--|
| First Violation | <p>Meeting with Hearing Officer</p> <p>Official Letter of Written Warning</p> <p>BASICS program - \$50 fee</p> | <p>Meeting with Hearing Officer</p> <p>Disciplinary probation for one (1) semester</p> <p>BASICS 1 - \$75 fee</p> <p>Parental notification based on the severity of the incident</p> |
| Second Violation | <p>Meeting with Hearing Officer</p> <p>Disciplinary Probation for one year</p> <p>Final Warning before loss of campus housing</p> <p>Parental Notification</p> <p>BASICS I - \$75 fee</p> | <p>Meeting with Hearing Officer</p> <p>Disciplinary Probation for one year</p> <p>Final Warning before loss of campus housing</p> <p>Parental Notification</p> <p>BASICS I - \$75 fee</p> |
| Third Violation | <p>Meeting with Hearing Officer</p> <p>Disciplinary Probation or Deferred Suspension</p> <p>Removal from campus housing</p> <p>Parental Notification</p> <p>BASICS II - \$125 program fee</p> | <p>Meeting with Hearing Officer</p> <p>Deferred Suspension</p> <p>Removal from campus housing</p> <p>Parent Notification</p> <p>BASICS III with \$150 program fee and formal substance abuse evaluation by a licensed provider</p> |
| Fourth Violation | <p>Deferred suspension or suspension</p> | <p>Suspension</p> |

STANDARDS OF CONDUCT: *EMPLOYEES*

DRUG-FREE WORKPLACE POLICY

Ithaca College Policy Manual 2.8.8.1

Ithaca College takes seriously the need to enforce rules and laws prohibiting the illicit use of drugs and alcohol on campus and at College-sponsored events. In accordance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and the Omnibus Transportation Employee Testing Act (OTETA) Ithaca College has adopted this anti-drug and alcohol abuse policy for its employees and students.

The College prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in or on Ithaca College-owned or controlled property. The College prohibits employees (and students) from being under the influence of illegal drugs on College-owned or controlled property. Any faculty member, staff member, or student employee who is found to be in violation of this policy will be subject to appropriate disciplinary action pursuant to College policies and consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, and suspension from or termination of employment.

Ithaca College offers supervisors the opportunity to participate in drug awareness education and provides for the dissemination of drug awareness information to all members of the Ithaca College community. Faculty and staff may seek confidential referral, information on insurance coverage, and other information regarding support services from the Office of Human Resources.

Any faculty member, staff member, or student employee engaged in activities supported by a federal grant or contract must report any criminal conviction related to possession or use of a controlled substance in the workplace to the Office of Human Resources within five calendar days of conviction. The term "conviction" means a finding of guilt (including a plea of nolo

contendere) or imposition of sentence or both by any judicial body charged with responsibility to determine violations of state or federal criminal drug statutes. Ithaca College is obligated to notify the appropriate federal contracting agency within 10 days of receipt of notice of an employee conviction.

In compliance with the Omnibus Transportation Employee Testing Act, all "safety-sensitive" employees at Ithaca College are subject to drug and alcohol testing. The details of this program are included in section 2.8.8.7.Compliance with the Drug-Free Workplace Act policy, and with the reporting requirement in the case of employees engaged in federally supported activities, is a condition of employment at Ithaca College.

Employee-Specific Sanctions

| | |
|--------------------------------|---|
| Verbal Warning | The supervisor should discuss the matter with the employee privately and in a positive manner. The first objective is to find out whether the employee understands the rules involved or the standard expected. The supervisor should consider whether special circumstances may have been involved. |
| Written Warning | A more serious infraction or a problem which continues in spite of a verbal warning(s) may require a written warning. A formal meeting should be held with the employee and confirmed by a letter to the employee indicating reference to earlier verbal warning(s); how the employee has failed to meet department or College standards; a suggested course of action; and a time period for checking progress. The employee also should be informed that, unless the situation is corrected, it will lead to more severe disciplinary action up to and including dismissal. |
| Disciplinary Suspension | <p>Disciplinary suspension involves removal from the payroll for a prescribed period of time. Before suspending an employee, the supervisor must discuss the situation with her/his department head and the associate vice president for human resources or director of employee relations. A supervisor may remove the employee from the work group for the remainder of the shift, pending such discussion.</p> <p>A disciplinary suspension differs from an "investigatory leave of absence." If a serious incident or difficulty occurs which may warrant discharge or a disciplinary suspension, an employee may be placed on an investigatory leave</p> |

| | |
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| | of absence, that is, the employee may be told not to report to work pending a review of the situation. The leave will be unpaid unless the matter is resolved without a suspension or dismissal. |
| Demotion | A demotion to a lower-level position may be appropriate when an employee is unable to satisfactorily perform her/his present job and another type of position is available. In rare situations, a demotion may occur because of inappropriate action in the current job, such as misuse of supervisor authority. This action assumes that the demoted employee is judged able to operate effectively in the new position and the College reserves the right to terminate the employee at any time in the future as the circumstances warrant. |
| Dismissal | Except in cases of serious offenses, discharge from employment should be used only as a last resort. When it becomes necessary to dismiss an employee, it should be clear by the record established that the employee will have, in effect, caused the employee's own dismissal. |

Health Risks Associated with AOD Use

There are serious health risks associated with the use of illicit drugs or the abuse of alcohol. Some of those health risks are summarized below. For more information about the health risks associated with drug or alcohol abuse, or for support or treatment, contact one or more of the available resources listed previously.

Alcohol

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 also increase the incidence of aggressive acts. Moderate to high doses impair higher mental functions, severely altering the ability to learn and remember information. Very high doses of alcohol can be fatal.

Repeated use of alcohol can lead to dependence. Alcohol withdrawal can result in severe anxiety, tremors, hallucinations, and convulsions, which may be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can lead to permanent damage to vital organs such as the brain, heart, pancreas, and liver, as

well as the immune system. Drinking too much, on a single occasion or over time, has been linked to cardiomyopathy, stroke, high blood pressure, fibrosis, cirrhosis, pancreatitis, and cancer. Alcohol consumption during pregnancy may result in fetal alcohol syndrome, which causes irreversible physical and/or mental abnormalities at birth.

Researchers from the National Institute on Alcohol Abuse and Alcoholism provided the following information that is representative of reported experiences from the 18 – 24-year-old college population (yearly):

Academic Problems

- ~1:4 students reported academic consequences from drinking, including missing class, falling behind, poor grades of exams/papers, and lower grades overall.

Assault

- ~696,000 students are assaulted by another student who has been drinking.

Sexual Assault

- ~97,000 students experience alcohol-related sexual assault

Alcohol Use Disorder (AUD)

- ~ 20 percent of college students meet the criteria for AUD

Death

- ~1,825 college students die from alcohol-related unintentional injuries, including motor-vehicle crashes

COMMON DRUGS AND SYMPTOMS OF ABUSE

Stimulants

- Drugs that stimulate the central nervous system
- Examples: Amphetamine, Dextro-Amphetamine, Methamphetamine, Nicotine, Cocaine
- Symptoms of Use: Restlessness, anxiety, nervousness, irritability, mood swings
- Hazards of Use: Addiction, sleeplessness, anxiety, loss of appetite, brain damage

Depressants

- Drugs that slow down the central nervous system
- Examples: Barbiturates, Pentobarbital, Secobarbital, Quaalude, Sopor, Alcohol, Marijuana
- Symptoms of Use: Drowsiness, confusion, impaired judgement, slurred speech
- Hazards of Use: Addiction with severe withdrawal symptoms

Narcotics

- Drugs that stimulate the central nervous system
- Examples: Demerol, Dilaudid, Methadone, Percodan, Codeine, Heroin, Morphine
- Symptoms of Use: Drowsiness, lethargy
- Hazards of Use: Addiction, impaired memory and perception

Hallucinogens

- Drugs that alter perception of reality
- Examples: PCP, LSD, Mushrooms, Ketamine
- Symptoms of Use: Slurred speech, blurred vision, lack of coordination, confusion, aggression
- Hazards of Use: Anxiety, depression, impaired memory

Inhalants

- Substances abused by inhalation
- Examples: Gasoline, Airplane Glue, Paint Thinner, Dry Cleaning Fluid, Nitrous Oxide, Amyl Nitrate, Butyl Nitrate
- Symptoms of Use: Impaired judgement, poor motor coordination, impaired vision, memory, and thought
- Hazards of Use: Addiction, organ failure, muscular damage

ALCOHOL AND OTHER DRUGS PREVENTION PROGRAMS

Balancing Alcohol & Substance Use to Improve College Success (BASICS)

IC's BASICS program is a confidential service that provides students with an opportunity to explore their alcohol and other drug use. BASICS is designed to assist students in examining their own substance use patterns and experiences in a non-judgmental setting. The goal of BASICS is to help students reduce high-risk behaviors and harmful consequences from substance use so that they can improve their success in college, both personally and academically.

BASICS I
\$50 program fee

BASICS II
\$75 program fee

BASICS III
\$150 program fee

Marijuana 101

This course is designed to educate students on ways to reduce the harmful use of marijuana and associated problems among students who use marijuana. Students who are referred judicially for a first marijuana violation will be required to take the Marijuana 101 on-line module.

Alcohol.Edu

Ithaca College expects all incoming first year students to complete Alcohol.Edu, an online alcohol education program, prior to arriving on campus. The course must be completed on a computer, iPad, or tablet with access to the internet and audio capabilities.

Alcohol.Edu for Sanctions

Alcohol.Edu for Sanctions is IC's sanctions course which is required for students who are judicially referred for a first time, Level I (possession or use) incident involving alcohol.

AL-ANON

Al-Anon, the twelve-step group for friends and family members of alcoholics and addicts, meets weekly at Ithaca College. The group, officially called the South Hill Higher Ground Al-Anon Family Group, is not affiliated with Ithaca College and is open to students, faculty, staff, and members of the Ithaca community beyond the campus who seek support. The purpose of the meeting is to establish ongoing on campus support for those who have loved ones contending with addiction. Everything shared by individuals at these meetings will be kept confidential.

THRIVE @ IC: Resiliency Workshop & Wellness Coaching

THRIVE at IC is a program offered by the Center for Health Promotion which is intended to help students increase their resiliency, and as a result, improve their overall wellbeing and personal success. Students have an opportunity to engage in various activities to learn about the THRIVE Resilience Pyramid and how different aspects of health and wellness interact to allow them to grow from mistakes, connect with others, and find their purpose.

THRIVE is available as a one-on-one personal wellness coaching session in the Center for Health Promotion and as a group workshop. In a private wellness coaching session, the student has an opportunity to discuss their concerns in a range of personal wellness areas such as nutrition, sleep, exercise, stress management, and substance use.

Employee Assistance Program

One of the many benefits Ithaca College offers employees is the Employee Assistance Program (EAP). EAP offers free and confidential assessments, short-term counseling, referrals, and follow-up services to employees who have personal and/or work-related problems. EAPs address a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, and psychological disorders. For more information on EAP, please contact the Office of Human Resources

CENTER FOR HEALTH PROMOTION

Mission of the Center for Health Promotion

The mission of the Center for Health Promotion is to support Ithaca College students in developing the skills and identifying the resources necessary for making healthy lifestyle choices. The Center utilizes evidence-based tools and personalized information to empower students to make their own decisions for optimizing their well-being. The Center's primary content areas include harm reduction for alcohol and other drug use, building resiliency, and finding balance in order to thrive during college and beyond.

Mission of Alcohol and Other Drugs Committee (AOD Team)

The mission of the AOD Prevention Team is to reduce substance use and related harm among students in order to maximize student health, safety, learning, and success. Toward this goal, the AOD Prevention Team works in an interdisciplinary and collaborative manner to create policies, practices, and programs that align with best practices.

Areas of focus:

1) campus culture, 2) harm reduction, 3) peer intervention, 4) helping resources, 5) policies and procedures, and 6) social activities.

The Center for Health Promotion is located on the lower (basement) level of Hammond Health Center, just down the hallway from Counseling and Psychological Services.

The Center is open Monday to Friday from 8:30 a.m. to 5:00 p.m.

Program Director: Nancy Reynolds

Health Promotion Specialist: Kristen Lind

Email: healthpromotion@ithaca.edu

Phone at 607-274-7933

LOCAL, STATE AND FEDERAL LAWS

In addition to the standards and sanctions on alcohol and other drug abuse set forth above, members of the campus community are also required to abide by local, state, and federal laws governing consumption, sale, or possession of alcohol and other drugs.

LOCAL LAWS

The City of Ithaca Alcoholic Beverage Code contains a number of provisions, those most applicable to college students include:

§ 128-1. Findings and purpose.

The Common Council finds that the unrestricted consumption of alcoholic beverages in certain public places often leads to disorders and related problems as well as the littering of such public place and the development of unsanitary conditions and is disturbing to the public and threatens peace and good order.

The purpose of this article is to prohibit the consumption of alcoholic beverages in certain public places in order to prevent disorderly behavior, the development of unsanitary conditions and the littering of public places and to protect the public health, safety and welfare and to promote the public good.

The Legislature of the State of New York has determined that, since the New York State drinking age is 21, underage persons should be held responsible for their conduct and be prohibited from possessing alcoholic beverages in public. The consumption of alcoholic beverages in public places by persons under the legal drinking age is an aggravating factor.

§ 128-3. Public consumption prohibited

No person shall, within the City of Ithaca, drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public place as defined herein.

§ 128-4. Possession of open containers; presumption.

No person shall carry or have in his/her possession within or upon any public place in the City of Ithaca any open container containing liquor, wine, beer or other alcoholic beverage

with the intent of the possessor or another to consume the same in any public place defined herein.

The possession of an open container unwrapped or with the top exposed in a public place as herein defined shall be presumptive evidence that the contents of such open container are intended to be consumed in a public place as herein defined.

For the purposes of this chapter, any container labeled as a container of an alcoholic beverage, such as a can of beer or a bottle of wine, shall be presumed to contain at least some amount of the alcoholic beverage specified.

For the purposes of this chapter, all beer and all wine, regardless of alcoholic content, shall be presumed to be alcoholic beverages.

§ 128-6. Penalties for offenses.

The violation of any of the provisions of this article shall be punishable by a fine not greater than \$250 and/or not more than 15 days in jail and not less than \$100 or 25 hours of community service; provided, however, that a person who violates this article after having been convicted of a violation of this article within the preceding three years shall be punishable by a fine not greater than \$500 and/or not more than 15 days in jail and not less than \$100 or 25 hours of community service; and further provided that a person who violates this article after having been convicted two or more times of a violation of this article within the preceding three years shall be punishable by a fine not greater than \$750 and/or not more than 15 days in jail, and not less than \$100 or 25 hours of community service.

NEW YORK STATE LAWS

Alcohol

Alcohol offenses and penalties in New York State are defined by the Alcoholic Beverage Control Law and Penal Law. These laws include possession with intent to consume while under age 21, driving while intoxicated, driving while ability is impaired by alcohol, driving after consuming alcohol while under age 21, furnishing alcohol to a person under age 21, selling alcohol to an intoxicated person, or providing false identification. In addition, New York State General Obligations Law imposes personal injury liability for damages resulting from furnishing alcohol to persons under age 21 or selling alcohol to an intoxicated person. While not exhaustive, a summary of offenses and penalties is provided below:

| Offense | Penalty |
|--|--|
| Serving Alcohol to Persons Under 21 | Up to 1 year in jail, \$1,000 fine. |
| Fraudulent Attempt to Purchase Alcohol (using false ID or ID of another person): | Fine up to \$100, community service up to 30 hours, and/or completion of an alcohol awareness program, 90 days license suspension if a New York State driver's license is used as the false ID Possession of Alcohol by Person Under 21: Up to \$50 fine and/or completion of an alcohol awareness program and/or up to 30 hours community service |
| Driving While Intoxicated (DWI) ($\geq .08$ blood alcohol content) | First offense: up to 1 year prison, \$500 to \$1,000 fine, minimum 6 months license revocation Second offense in 10 years: up to 4 years prison, \$1,000-\$5,000 fine, minimum 1 year license revocation. |
| Driving While Ability Impaired (DWAI) (.05-.07 blood alcohol content) | First offense: up to 15 days jail, \$300-\$500 fine, 90 day license suspension. Second offense in 5 years: up to 30 days jail, \$500 to \$750 fine, minimum 6 months license revocation |

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| | Third offense in 10 years: up to 180 days jail, \$750-\$1,500 fine, minimum 6 months license revocation |
| Operating a Motor Vehicle after Consuming Alcohol While Under 21 | License suspension or revocation and \$125 charge |
| Possession of Open Container in Public Place | Up to 15 days in jail, up to \$500 fine or both |

Drugs

The State of New York Public Health Law prohibits: growing marijuana or knowingly allowing it to be grown without destroying it; selling or possessing a hypodermic needle without a doctor's written prescription; or manufacturing, selling, or possessing with intent to sell an imitation controlled substance. The State of New York Penal Law defines a wide range of offenses and penalties for possessing or distributing marijuana and other controlled substances. These sanctions can include imprisonment, fines, assigned community service, and loss of federal student financial aid eligibility. In addition, driving a motor vehicle with ability impaired by drugs is subject to the same New York State law and sanctions as driving while intoxicated.

Legal Sanctions for Marijuana and Controlled Substances

| Offense | | Penalty |
|--|--|---|
| Possession and Distribution of Marijuana | Unlawful Possession (less than 25g) | First offense: fine less than \$100 Second offense: fine less than \$200 Third offense: fine less than \$250 |
| | Criminal Possession (depends on amount seized) | >25 g: Misdemeanor: 3-month imprisonment and/or \$500 fine 2-8 oz: Misdemeanor: 1-year imprisonment and/or \$1,000 fine 8 oz-1 lb: Felony: 4 years imprisonment and/or \$5,000 fine 1-10 lbs: Felony: 7 years imprisonment and/or \$5,000 fine |

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| | | >10 lbs: Felony: 15 years imprisonment and/or \$15,000 fine |
| | Criminal Sale (depends on amount seized) | <p>2 g or less without profit (1 marijuana cigarette): Misdemeanor: 3 months imprisonment and/or \$500 fine</p> <p>25 g or less: Misdemeanor: 1 year imprisonment and/or \$1,000 fine</p> <p>>25 g-4 oz: Felony: 4 years imprisonment and/or \$5,000 fine</p> <p>>4 oz-1 lb: Felony: 7 years imprisonment and/or \$5,000 fine</p> <p>>1 lb: Felony: 15 years imprisonment and/or \$15,000 fine</p> <p>Using a child to assist: Felony: 4 years imprisonment and/or \$5,000 fine</p> <p>To a minor: Felony: 7 years imprisonment and/or \$5,000 fine</p> |
| | Drug Trafficking | Any amount: Felony: 15-25 years imprisonment (mandatory minimum sentence of 15 years) and/or \$100,000 fine |
| | Cultivation (also considered possession under current case law) | Any amount: Misdemeanor: 1 year imprisonment and/or \$1,000 fine |
| | Hash and Concentrates | <p>Possession < .25 oz: Misdemeanor: 1 year imprisonment and/or \$1,000 fine</p> <p>Possession .25 oz to < 1 oz: Felony: 7 years imprisonment and/or \$5,000 fine</p> <p>Possession 1 oz or more: Felony: 15 years imprisonment and/or \$15,000 fine</p> <p>Sale: Felony: 15 years imprisonment and/or \$15,000 fine</p> |

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| Possession and Distribution of Other Controlled Substances | Possession and Sale (Degree depends upon substance, amount of substance, age of purchaser, and prior record) | Seventh degree: Class A Misdemeanor: 1 year imprisonment or less |
| | | Fifth degree: Class D Felony: 7 years imprisonment or less |
| | | Fourth degree: Class C Felony: 15 years imprisonment or less |
| | | Third degree: Class B Felony: 6-25 years imprisonment |
| | | Second degree: Class A-II Felony: 3-8 years to life imprisonment |
| | | First degree: Class A-I Felony: 15-25 years to life imprisonment |

FEDERAL LAWS

Federal Sanctions for Sale of Marijuana

- A first offense of trafficking in marijuana in amounts of less than 50 kg may result in imprisonment of not more than 5 years and a fine not to exceed \$250,000. Imprisonment and fine minimums are doubled for a second offense
- Trafficking in marijuana in quantities greater than 1,000 kg may result in not less than 10 years and not more than life imprisonment and/or a fine not to exceed \$4 million (minimums double for a second offense)

Federal Sanction for Possession of a Controlled Substance

- First conviction: Up to one-year imprisonment and / or fine of at least \$1,000 but not more than \$100,000, or both
- After one prior drug conviction: At least 15 days in prison, not to exceed 2 years and /or fine of at least \$2,500 but not more than \$250,000, or both
- After two or more prior drug convictions: At least 90 days prison, not to exceed 3 years and fine of at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years, and fine of up to \$250,000, or both if:

- First conviction and the amount of crack possessed exceeds 5 grams;

- Second conviction and the amount of crack possessed exceeds 3 grams;
- Third or subsequent conviction and the amount of crack exceeds 1 gram.
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.
- Civil fine up to \$10,000 (pending adoption of final regulations).
- 853a: Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.
- 922(g): Ineligible to receive or purchase a firearm.
- Miscellaneous: Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

Federal Sanctions for Sale of Controlled Substances

- Penalties range from imprisonment for less than one year and/or a fine of less than \$100,000 for a first offense involving a small quantity of a controlled substance.
- For a large quantity, second offense, the penalty may be as severe as 20 years to life imprisonment and a fine of not more than \$8 million.

In addition, Section 484(r) of the Higher Education Act of 1998 (20 U.S.C. §1091) provides that a student's eligibility for federal student aid be suspended upon conviction under federal or state law for any offense involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this subchapter shall not be eligible to receive any grant, loan, or work assistance. Eligibility may be regained upon completion of a drug rehabilitation program that meets statutory and regulatory requirements or if the conviction is overturned.

RESOURCES

On-Campus Resources

Center for Health Promotion
Lower Level, Hammond Health Center
607-274-7933

Counseling & Psychological Services
Lower Level, Hammond Health Center
607-274-3136
www.ithaca.edu/sacl/counseling

Office of Public Safety
General Services Building
607-274-3333
www.ithaca.edu/sacl/safety

Office of Residential Life
East Tower Lobby
607-274-3141
www.ithaca.edu/reslife

Office of Judicial Affairs
West Tower Lobby
607-274-3375

Human Resources
Peggy Ryan Williams Center
Garden Level
607-274-8000

Community Resources

Alcoholics Anonymous
607-274-1541

Al-Anon/Alateen -- 888-4ALANON

Alcohol & Drugs Council for Tompkins
County
607-274-6288

Alcohol Treatment 24-hour help line
800-314-8292

Cayuga Addiction Recovery
607-273-5500

Narcotics Anonymous
607-274-6200

Hotline Numbers

National Clearinghouse for Drug and
Alcohol Information | 800-729-6686

New York State's OASAS Drug Abuse
Information Line | 800-522-5353

REFERENCES

20 U.S. Code S 1091 Student Eligibility, Legal Institution at Cornell Law School
College Drinking Fact Sheet, National Institute on Alcohol Abuse and Alcoholism
Complying with DFSCA Regulations, Campus Prevention Network
Complying with DFSCA: A Guide for University and College Administrators, Higher Education Center
Ithaca College Alcohol and Other Drug Sanction Guide
Ithaca College Center for Health Promotion Annual Report
Ithaca College Human Resources
Ithaca College Student Code of Conduct
Ithaca College Residential Life Rules and Regulations
Ithaca College Policy Manual