

**Albany College of Pharmacy and Health Sciences  
Drug Free Schools and Communities Act (DFSCA)**

# Annual Notification

The Drug-Free Schools and Communities Act (DFSCA) of 1989 requires institutions of higher education to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program. All members of the Albany College of Pharmacy and Health Sciences (ACPHS) Community are encouraged to review the information on the following pages.

This information is distributed on an annual basis. Students, faculty, and staff may request information about the Drug Free Schools and Campuses Review by contacting the Dean of Students at 518-694-7307.

**Mission:**  
*Alcohol and Other Drug (AOD) programming efforts support the overall mission and goals of the College which include providing a safe living and learning environment for all members of the College community. This includes academic excellence, personal growth, citizenship and healthy life-style choices for students, faculty, staff and visitors to the College.*

## Descriptions of the AOD Programming

The College is committed to providing programming through a variety of campus-wide efforts. While many of the programs are spearheaded through the efforts of several departments within the Division of Student Affairs, programming efforts span the entire College community.

## Standards of Conduct

College regulations prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by ACPHS students, faculty, staff, or guests to ACPHS, on College-owned or operated property and at all College sponsored activities. ACPHS students are also prohibited from the illegal use of drugs or alcohol whether on or off campus.

The legal age for the consumption of alcohol is 21 years of age. Any underage student consuming alcohol is violating standards for student conduct. Additionally, excessive alcohol use can lead to additional violations, such as driving while intoxicated or public intoxication. The College's Alcohol Policy is available on the College's intranet site under College Policies.

## Students Disciplinary Sanctions Employees

The penalties for students who are found in violation of the College's Alcohol and/or Drug policies range from warnings, probation and alcohol/drug screening to suspension and/or expulsion. The complete list of sanctions can be found in the Student Disciplinary Code on the College's website. Students who have violated the Student Disciplinary Code or have been identified as potentially having substance use/abuse issues, may be referred to the Office of Counseling and Wellness to complete an assessment covering alcohol and other drug use history, reason for referral, family and personal history, health concerns, safety issues, and the consequences associated with use and abuse.

According to CFR 84.205, the drug-free workplace statement requires that employees must notify the college in writing if he or she is convicted for a violation of a criminal drug statute. An employee who violates the College's Alcohol and/or Drug policies shall be subject to appropriate personnel action up to and including termination; and/or shall at their own expense, satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement or other appropriate agency. The College shall notify the appropriate federal and/or state agencies within ten (10) days after receiving notice of an employee's conviction on any criminal drug or alcohol violation occurring in the workplace.

# Legal Sanctions

## New York State Law and Sanctions Governing Alcohol Include:

The use of alcoholic beverages is subject to the New York State Alcoholic Beverage Control Law and certain provisions of the New York Penal Law. It is important to understand these laws clearly, as they 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.
2. An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine of up to \$100 and community service of thirty hours. 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 \$500 and a term of imprisonment not to exceed three months.
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 \$200 and imprisonment not to exceed five days, or both.
5. Any person who shall be injured in person, property, means of support or otherwise by reason of intoxicated person, or by reason of the intoxication of any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and any such person shall have the right to recover 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 old 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.
7. Any event or function at which alcoholic beverage(s) are being sold or, an admission fee or donation is charged or requested, requires a license from the state.

## New York State Law and Sanctions Governing Illicit Drugs Include:

**Marijuana** - Article 221 of the Penal Law of the State of New York is a special section of the law dealing with offenses involving marijuana. In total, there are 12 subsections which deal with the definition, possession and sale of marijuana. Possession of marijuana in any amount is illegal. Sale of marijuana will, at minimum, be considered a misdemeanor and, at maximum, will be considered a "Class C felony," carrying with it a minimum jail sentence from five to 15 years. Keep in mind that being convicted under these statutes results in a permanent criminal record which may have a serious impact on a person's future educational or professional plans.

**Controlled Substances** - Section 220 of the Penal Law defines those drugs considered "Controlled Substances," including narcotic drugs, narcotic preparation, hallucinogens (LSD, "hallucinogenic mushrooms," etc.), stimulants, depressants 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. In fact, 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. In New York State, felonies are ranked from category A-1, the most serious, to category E, the least serious. First offenders convicted of a category A-1 felony are subject to a minimum sentence of from 15-25 years and a maximum of life imprisonment. At the other end of the scale, for the first offender, category E felony convictions carry with them a jail sentence of from one to three years, with a maximum of three to four years. First-degree criminal sale or possession of controlled substances is placed in the same category as first-degree arson, first degree kidnapping, or first-or-second degree murder.

# Vermont Law & Sanctions

**Alcohol and Drugs** - It is a crime for a person under twenty-one years old (minor) to procure, possess, or transport alcohol. Penalties for procuring, possessing, or transporting alcohol include a fine up to \$500 and/or imprisonment up to six months. It is a crime to sell or furnish alcohol to a minor. Penalties for selling or furnishing alcohol to a minor include a fine up to \$1,000 and/or imprisonment up to two years. It is a crime to misrepresent one's age, possess a false identification card, use someone else's identification card, forge or alter an identification card, or loan an identification card to another for the purpose of obtaining alcohol.

**Incapacitation or "Detox"** - Being taken to "detox," as it is often referred, results from consuming dangerous levels of alcohol. When a law enforcement officer encounters a person who s/he deems to be "incapacitated," the officer is required by law to take the person into "protective custody." "Incapacitation" means that the person appears to be in need of medical care or supervision to assure the person's safety due to the level of intoxication. This is a civil action to protect the incapacitated person and others, and while it involves handcuffs and other appropriate restraints, it is not necessarily in and of itself an arrest. After the person is taken into protective custody, the officer is required to get the person the appropriate treatment, either at the emergency room or ACT 1, a 24-hour supervised shelter for individuals who are intoxicated and/or incapacitated by drugs or alcohol and who have come to the attention of law enforcement. If ACT 1 is full, or if the individual acts out, refuses to cooperate, or refuses treatment, then they will be taken to the Chittenden County Correctional Facility (jail). Depending upon one's actions during the incident, individuals may be cited for civil and/or criminal violations.

**Open Container Ordinance** - City of Burlington ordinance prohibits the possession of open containers of alcohol and the consumption of alcohol in public places unless specific advance approval is obtained from the City of Burlington. City of Burlington ordinance prohibits the possession of open containers and the consumption of alcohol in motor vehicles at any time.

**Marijuana** - It is a crime to knowingly and unlawfully possess more than one ounce of marijuana, more than five grams of hashish, or to cultivate marijuana. Penalty for a first violation of possession includes a referral to the Court Diversion Program, unless it is shown that such referral would not serve the ends of justice. A conviction of a first offense may subject a person to a fine up to \$500, and/or imprisonment up to 6 months, or both. Penalties for delivering or selling include a fine up to \$10,000 and/or imprisonment up to two years. Conviction of a second violation of knowing and unlawful possession of more than one ounce of marijuana, more than five grams of hashish, or cultivation include fines up to \$2,000, imprisonment not more than two years, or both. Subsequent violations for possession of more than two ounces of marijuana, cultivation, delivering, or sales include much heavier fines e.g. up to \$500,000 and much longer imprisonment, e.g. up to 15 years. 18 VSA § 4230.

**Cocaine** - It is a crime to knowingly possess, deliver, or sell cocaine. Penalties for possession include a fine up to \$2,000 and/or imprisonment up to one year. Penalties for delivery include a fine up to \$75,000 and/or imprisonment up to three years. Penalties for selling cocaine include fines up to \$100,000 and/or imprisonment up to five years. Penalties for possession, delivery, or sales of 2.5 grams or more include much heavier fines and much longer imprisonment. 18 VSA § 4231.

**LSD** - It is a crime to knowingly possess, deliver, or sell LSD. Penalties for possession include a fine up to \$2,000 and/or imprisonment up to one year. Penalties for delivery include a fine up to \$25,000 and/or imprisonment up to three years. Penalties for selling LSD include fines up to \$25,000 and/or imprisonment up to five years. Penalties for possession, delivery, or sales of 100 milligrams or more include much heavier fines and much longer imprisonment. It is a crime to knowingly possess, deliver, or sell hallucinogenic drugs other than LSD. Penalties are very similar to those for LSD. 18 VSA § 4235.

**Heroin** - It is a crime to knowingly possess, deliver, or sell heroin. Penalties for possession include a fine up to \$2,000 and/or imprisonment up to one year. Penalties for delivery include a fine up to \$75,000 and/or imprisonment up to three years. Penalties for selling heroin include fines up to \$100,000 and/or imprisonment up to five years. Penalties for possession, delivery, or sales of 200 milligrams or more include much heavier fines and much longer imprisonment. It is a crime to knowingly possess, deliver, or sell depressants, stimulants, and narcotic drugs other than heroin or cocaine. Penalties are very similar to those for heroin or cocaine. 18 VSA § 4234.

## Health Risks of Alcohol and Other Drug Consumption

**Alcohol.** Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

**Cannabis (Marijuana, Hashish).** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

**Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

**Cocaine/Crack.** Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

**Amphetamines.** Amphetamines can cause rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

**Heroin.** Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

# Treatment Options

## Students

Members of the ACPHS student population have several treatment options available to them should they voluntarily or be mandated to seek substance abuse treatment. These options include both campus based resources as well as community based resources in both Colchester and Albany.

The College may, in addition to other sanctions or as a penalty for a minor first offense, require any student found responsible for violation of this policy to participate in education, consultative and/or educational programs related to drug or alcohol use.

### Campus Resources

**Albany:** The Office of Counseling and Wellness provides substance use assessments and individual outpatient treatment. In addition, the Office has informational materials available in the form of pamphlets and online resources.

Community referrals are also made as needed.

Office of Counseling and Wellness -  
counselingservices@acphs.edu  
(518) 694-7107

**Colchester:** The University of Vermont Medical Center is contracted to provide substance use assessments and referrals services to community agencies. The Counseling Services has a Licensed Drug and Alcohol (LADC) counselor available to students. Informational materials are also available.

Contact: Counseling Services  
EFAP@UVMHealth.org  
(802) 847-2827

Toll-Free 24 hours/7 days a week: (802) 488-7777

## Employees

The College encourages individuals who desire education, counseling or treatment related to the abuse of alcohol or other drugs to obtain such services either through the College or in the community. The College offers educational programming related to alcohol and other drugs through the Office of Counseling and Wellness, the Initiative for Substance Abuse Prevention Committee, as well as the newly contracted Employee Assistance Program (EAP).

Referral and consultation services for abuse, misuse and/or addiction is available through the Office of Counseling and Wellness, Human Resources, or the EAP. To contact the EAP directly, call 1-800-225-2527 or 1-800-252-4555, or log on to [www.HigherEdEAP.com](http://www.HigherEdEAP.com).

The College's employee health plan provides a benefit to covered employees within the Behavioral Services section of the plan. The health plan includes a benefit around substance abuse for inpatient and outpatient support. Employees should refer to the summary description for the Plan or can contact Human Resources for Plan information.

## Community Resources

<http://www.burlingtonaa.org/>  
<http://www.spectrumvt.org/what-we-do/counseling/>  
<http://www.howardcenter.org/Substance-Abuse/>

<http://aaalbanyny.org/>  
<http://aa.org/>  
<http://na.org/>  
<http://www.coniferpark.com/>  
<http://www.sphcs.org/>  
<http://theacca.net/>

Albany Alcoholics Anonymous Meetings  
Main AA site for meeting locations  
Narcotics Anonymous site for meeting locations  
Conifer Park - Inpatient/outpatient treatment NY  
St. Peter's Hospital- Inpatient/outpatient treatment  
Addiction Care Center of Albany-Outpatient  
Burlington Alcoholics Meetings VT  
Spectrum Outpatient VT  
The Howard Center – Inpatient/outpatient VT

If you have any questions related to the content of this notification, please contact the Dean of Students at [studentaffairs@acphs.edu](mailto:studentaffairs@acphs.edu).