

# DRUG & ALCOHOL ABUSE PREVENTION PROGRAM & POLICY

HILBERT COLLEGE



HILBERT COLLEGE  
5200 SOUTH PARK AVENUE  
HAMBURG, NEW YORK 14075  
716-649-7900  
[www.hilbert.edu](http://www.hilbert.edu)

(Updated 9/27/2019)

# Table of Contents

INTRODUCTION AND NOTICE ..... 1

GENERAL CAMPUS INFORMATION ..... 3

    Hilbert’s Mission ..... 3

    Hilbert’s Vision..... 3

    Hilbert’s Population ..... 3

Drug Free College Program ..... 4

    A. College Drug and Alcohol Policy ..... 4

    B. Rules of Conduct and Discipline for Alcohol & Drugs - Students ..... 4

    C. Disciplinary Sanctions and Legal Penalties for Alcohol & Drugs..... 6

    D. Rules of Conduct and Discipline - Employees ..... 7

    E. Physical Effects of Drugs and Alcohol ..... 8

    F. Assistance to Students/Employees ..... 8

    G. Policy Regarding Alcohol at Campus Events ..... 9

    H. Alcohol and Other Drug Prevention Efforts (AOD)..... 10

        I. Drug Classifications..... 11

        J. Smoking Policy..... 11

NEW YORK STATE PENAL LAW ..... 12

NEW YORK LAW: ILLEGAL SALE OR POSSESSION OF ALCOHOL..... 13

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL DRUG POSSESSION OF A CONTROLLED SUBSTANCE..... 13

CAMPUS RESOURCES..... 15

ADAPTION OF PENAL CODES FOR POSSESSION OF DRUGS..... 16

SANCTION CHART FOR STUDENT CODE VIOLATIONS..... 17

HILBERT AOD PROGRAMS 2017-2019..... 18

## INTRODUCTION AND NOTICE

Drug and alcohol use by students is as much part of our campus culture as it is part of our societal culture. As such, illegal, excessive and irresponsible drug and alcohol use introduces the same problems on our campus as it does in society. Hilbert’s Drug and Alcohol Abuse Prevention Program (DAAPP) seeks to help students to develop a mature and responsible attitudes toward legal drug and alcohol use while they are on campus so that they may continue to exercise such healthy behaviors after leaving college.

The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department’s General Administrative Regulations requires institutions of higher education to certify that they have developed and implemented drug and alcohol abuse education and prevention programs.

Such programs should be designed to prevent the unlawful possession, use and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, colleges must distribute its Drug and Alcohol Abuse Prevention Program (DAAPP) report to all students and employees. The distribution plan must make provisions for providing materials to students who enroll at a date after the initial distribution and for employees who are hired at different times of the year. The information in the DAAPP must include:

- I. A written statement about the College's standards of conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- II. A written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- III. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- IV. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- V. A statement that the College will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, the College must conduct a biennial review in order to measure the effectiveness of its drug prevention program, and to ensure consistent treatment in its enforcement of its disciplinary sanctions. The College must prepare a report of findings and maintain its biennial review report and supporting materials and make them available to the Department of Education and interested parties upon request.

## GENERAL CAMPUS INFORMATION

### Hilbert's Mission

Hilbert College is an independent institution of higher learning that embraces its Catholic Franciscan heritage and values. Students from diverse backgrounds are educated in liberal arts and professional programs to become informed citizens committed to serving and strengthening their communities.

### Hilbert's Vision

Hilbert College strives to be faithful to the deep and diverse historical foundations on which it rests. From the founding congregation of the Franciscan Sisters of St. Joseph, we embrace the traditions of St. Francis: respect, service, hope, vision, joy, integrity, compassion, and peace. From the noble legacies of the liberal arts academy, we honor intellectual inquiry, freedom of thought, breadth of knowledge, and lifelong learning. And from our own history, we continue to reach out to students from all backgrounds. We are committed to providing them skills and resources to achieve success in a wide range of careers, recognizing that in today's world, that entails equipping students to respond to a rapidly changing global environment.

The faculty and staff of Hilbert College are dedicated to providing students with individual attention and support while also allowing them to grow and explore new challenges. We celebrate the richness that comes from a diverse campus of individuals from many faiths and cultures. We emphasize the importance of service to our community, and we endeavor to be a voice for social justice in the world.

### Hilbert's Population

In 2018, 792 students enrolled at Hilbert College. The College employed 39 full-time faculty and 126 part-time faculty. The College also employed 77 full-time and 46 part-time staff members.

## Drug Free College Program

### A. College Drug and Alcohol Policy

As part of its mission and objectives, Hilbert College is committed to providing all students, faculty, and staff with a safe, healthful and pleasant environment in which to study and work. Part of this commitment is that the College will be completely free from the presence and adverse effects of illegal drugs and unauthorized use of alcohol.

This policy was developed to accomplish the above objective and to comply with the College's legal obligation. The Higher Education Amendment of the Drug-Free Schools and Communities Act of 1989 require that all institutions of higher education prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Similarly, the Drug-Free Workplace Act of 1988 requires federal contractors and recipients of federal grants to maintain a drug-free environment. The above laws require that Hilbert College adopt and implement certain mandatory rules of conduct, and strictly enforce these rules by disciplinary measures.

Each student, faculty, and staff member is personally responsible to ensure their compliance with all rules, procedures and other requirements that are mandated by the College. The Rules of Conduct and the Student Alcohol and Drug Policy contained in this policy are no different in this regard. If any student, faculty, or staff member has a problem with drug or alcohol dependency which could lead to a violation of the Rules of Conduct and result in disciplinary action, they must do what is necessary to see that a violation does not occur. If professional treatment or other outside assistance is needed to help manage the dependency difficulty, it is the responsibility of the student, faculty, or staff member to obtain such assistance.

The Wellness Center is available to provide information and confidential, professional referrals to students who conscientiously request such assistance. Immediate contact with a counselor can be arranged through Campus Safety if a situation occurs after hours or on weekends. Professional, licensed counselors who provide mental health counseling to members of the College community (and including those who act in that role under the supervision of a licensed counselor) are not required to report information about an incident without the reporting party permission unless an imminent threat to the life and safety of the campus community exists. The Employee Assistance Program is available to members of the full time faculty and staff who require assistance, part time members of the faculty and staff may receive referrals from the Wellness Center. If assistance is desired or questions arise concerning any drug or alcohol related matter, contact should be made with the Director of Counseling. Inquiries will be kept confidential.

### B. Rules of Conduct and Discipline for Alcohol & Drugs - Students

The following Rules of Conduct constitute conditions of enrollment with the College. All students agree to abide by these rules, and any violations of these rules will administer disciplinary measures the College deems appropriate, as described below.

1. The unlawful manufacturing, distribution, selling, intent to sell, dispensing, possession or use of a controlled substance or illegal drug on College property or as part of any College activity is prohibited.
2. Possession or consumption of beer, wine, liquor or any other form of alcohol on College property unless in accordance with policies pertaining to parties, campus wide events, and

residence facilities as stated below. (The rule applies to all students and includes any bottle, can, mug, or any other container used to transport alcohol).

3. Unlawful possession or use of controlled substance or illegal drug.
4. Providing a controlled substance or illegal drug to another person.
5. Possession of paraphernalia for illegal drug production or use.
6. The unlawful or unauthorized consumption of alcoholic beverages on College property or as part of any College activity is prohibited.
7. Public intoxication or drunk and disorderly conduct are prohibited.
8. Giving or selling alcoholic beverages to anyone under the age of 21
9. Giving or selling alcoholic beverages to anyone who is intoxicated.
10. Driving under the influence of any substance while on campus.
11. Violation of federal, state, and local ordinances with respect to possession, purchase, transport, and use of alcohol, controlled substances or illegal drugs.
12. Regulations specifically concerning consumption of alcoholic beverages in residence facilities:
  - a. The consumption of alcohol in residence facilities will be subject to all state and federal laws governing the consumption of alcohol as well as any and all regulations mandated by Hilbert College regarding the use of alcohol.
  - b. No student or guest under the age of 21 should have full or empty beer, wine, or any other alcohol bottles or cans in his/her possession. Residents of legal drinking age will be permitted to consume alcohol ONLY in 21+ student bedrooms or apartments. Alcohol is not permitted to be served while underage people are present in 21+ rooms or apartments. It is considered a violation of our policy if alcohol is consumed by any student or guest, no matter their age, outside of these designated 21+ areas unless at a sanctioned event compliant with the Policy Regarding Alcohol at Campus Events.
  - c. **Alcohol will not be permitted in any common area including lobbies, lounges, laundry rooms, or hallways.**
  - d. The amount of alcohol allowed for residents 21 years of age or older for personal consumption in a 24-hour period should not exceed 6 cans of beer, 1 liter of wine, 4 wine coolers or malt beverages or other commercially marketed beverages of similar nature within a 24 hour period. Apartment units with residents 21 years of age or older should not exceed 24 cans of beer, 2 liters of wine, 8 wine coolers or malt beverages or other commercially marketed beverages of similar nature within a 24 hour period. Empty containers must be properly disposed of daily.
  - e. No hard alcohol, beer kegs, and/or beer balls are allowed in any of the residence facilities. Liquor bottles, full or empty, are not allowed in residence facilities. **Open containers are not allowed outside student rooms.**
  - f. Resident students are permitted to have a maximum of 6 people in a room or 10 in an apartment at any given time, including themselves.
  - g. Resident students are responsible for the behavior of their guests and the rules and regulations of the Alcohol and Drug Policy. Resident students are responsible for any damage caused by their guests to their rooms and/or residence facilities. Such guests must follow the rules and regulations of the Alcohol and Drug Policy.
  - h. Students assume responsibility for their behavior regarding use of alcohol in residence facilities. Students, who are in an intoxicated state and if it is deemed necessary to have an ambulance called, will be responsible to pay the full cost associated with the EMS services provided.

The foregoing rules are not exclusive and the College will enforce any other common sense rule or practice that is consistent with the policy expressed in this program.

### C. Disciplinary Sanctions and Legal Penalties for Alcohol & Drugs - Students

Hilbert College will impose disciplinary sanctions on students for violations of the Rules of Conduct established by this Program. The College, in its sole discretion, will determine whether a violation has occurred and what the appropriate disciplinary measure will be. Disciplinary sanctions will include, among others, the following:

1. Mandated alcohol and/or drug education workshop
2. Mandated appointment with the college counselor for alcohol assessment/participation in substance abuse group which may be held on or off campus\*
3. Suspension from participating in college activities or functions
4. Suspension from classes
5. Community service
6. College probation, suspension, or dismissal
7. Monetary fines
8. The college reserves the right of family notification in cases where it is deemed appropriate and beneficial to the student.
9. Suspension of on-campus vehicle privileges.

\*Students may be held responsible for any fees, charges and transportation associated with these programs.

Students may receive some or all of the sanctions for an alcohol or drug offense as listed in Table titled, Sanction Chart for Student Code of Conduct Violations. See Amnesty Policy on pg. 76 of Student handbook, link <https://www.hilbert.edu/student-life/student-handbook> .

In addition to the disciplinary sanctions that the College will impose on violators of its Rules of Conduct, students should also be aware of the applicable legal sanctions under state and federal law for the unlawful sale or possession or use of illicit drugs and alcohol.

### **Crime Reporting**

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. The campus emergency number is 716-479-1233 and this should be used for all fire, medical, and police emergencies. All reports are classified, logged and responded to thoroughly.

Crimes in progress and any other emergencies on campus can be reported directly by any student, faculty member, or employee to the campus safety department by dialing 716-479-1233. The campus safety officer can also be reached by the red emergency phones located around the campus. Red emergency phones are located in the Swan Lobby, first and second floor of Paczesny Hall, Bogel Hall lobby, first floor outside of Bogel 160, and on the second floor of Bogel. Additional emergency phones are located in the Lower Level of the Campus Center, the Hafner Recreation Center, and inside the Maintenance Building. Upon receipt of the call, Campus Safety Officers are dispatched immediately to the site of the incident. They prepare and

submit incident reports, which are kept on file. Additionally, reported crimes may be forwarded to the Town of Hamburg Police Department for further investigation.

Members of the campus community can also report criminal incidents to the following offices:

- Director of Campus Safety – ext. 224
- Dean of Students – ext. 231
- Director of Residence Life – ext. 362
- Title IX Coordinator – ext. 291
- Or any Campus Security Authority

**Drug and Alcohol Crime Statistics**

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Drug Abuse Violations	2016	1	1	0	0
	2017	1	1	0	0
	2018	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2016	3	3	0	0
	2017	6	6	0	0
	2018	3	3	0	0
Arrests: Liquor Law Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2016	13	13	0	0
	2017	31	31	0	0
	2018	36	36	0	0

**D. Rules of Conduct and Discipline - Employees**

Hilbert College is firmly committed to providing employees with an alcohol-free and drug-free workplace. It is important that employees report to work free from the influence of illegal drugs or alcohol, and they must remain in that condition while on the job in order to protect themselves, other employees, students, guests or College property. Employees are prohibited from possessing or using alcohol or illegal drugs of any kind while at the workplace. The only exceptions to this are drugs given under a doctor’s prescription, non-prescription medications and alcohol at approved functions.

**Hilbert College reserves the right to test any employee at any time for the use of illegal drugs.**

Furthermore, if an employee’s behavior is such as to create reasonable suspicion that the employee is under the influence of alcohol or illegal drugs, the employee may be tested for drugs and/or alcohol. This includes when an employee causes or contributes to accidents that seriously damage equipment, or property and/or result in an injury to themselves or another employee. The testing may be conducted on- or off-campus (e.g., Health Works). Refusal to take the test(s) will be a

violation of the Drug and Alcohol Abuse Prevention Program. A positive result will be a violation of this policy. Any violation of this policy may result in a penalty up to and including termination. The Hilbert College Human Resources Manual is available to all employees on line on the Hilbert College Intranet for reference and clarification of rules.

#### E. Physical Effects of Drugs and Alcohol

Health Risks of Alcohol and/or Substance Use and Abuse: Hilbert College is committed to supporting an environment which fosters academic success and continual learning as well as the health and well-being of the members of its community. The use and/or abuse of illegal drugs, tobacco, and alcohol carries possible health risks to the individual user as well as the campus community and community at large. Health risks associated with use and abuse may include damage to major organs such as the brain, heart, lungs and liver as well as medical problems such as high blood pressure, cancer, heart attack, or stroke. Physical and mental dependence are also possible health risks associated with use and abuse. The use of alcohol during pregnancy may cause injury to the fetus or Fetal Alcohol Syndrome. Users of needles for the use of drugs such as heroin or crack carry the risk of spreading HIV and Hepatitis from the sharing of those needles. Additional health risks exist for driving under the influence of alcohol or other substances (including those prescribed by a provider) and may result in criminal charges, driving related injuries, and fatalities. Addiction is another very serious health risk associated with the use of alcohol or other substances. Addiction is a primary, progressive, chronic and potentially fatal disease.

Signs and symptoms of Drug and Alcohol addiction may include:

- Drinking or using substances for the relief of withdrawal symptoms
- Increased tolerance or reverse tolerance (drug sensitization)
- Feeling guilt, shame or remorse (as a result of behavior while under the influence of alcohol or other drugs)
- Anxiety, depression, or other mental health diagnosis
- Concern from family and/or friends about drinking or drug use
- Decline in work performance or loss of interest in hobbies and daily activities
- Inability to remember what happened when drinking (blackouts)
- Financial difficulties including making sacrifices for the purchase of drugs
- Having problems with the law through increasingly risky behaviors and impaired judgment
- Denial or not being aware that a problem exists
- Much time dedicated to the use of a substance (obsession)
- Use that continues despite known health problems that have developed from use

Available Resources: If you, or someone you know, have a concern (or suspect a problem) with alcohol or other drug abuse, there are several ways you may seek assistance or support on campus or in the community. (Refer to pg. 14 for community references)

#### F. Assistance to Students/Employees

Any student who would like to discuss an alcohol or drug related problem may contact the Director

of Counseling at extension #232. Your discussion will be kept confidential. In addition, any student desiring professional treatment or outside assistance to help resolve a dependency problem may contact any related community organization.

The WorkLifeMatters Employee Assistance Program (EAP), offers a variety of services through Integrated Behavioral Health (IBH) to promote well-being and help enhance the quality of life for employees and their families, at every stage of life. From family support, legal assistance, fitness, mental health resources, and work-related help, the Employee Assistance Program provides access to solutions and support for the challenges of daily living. Full Time employees may call for counseling: 1-800-386-7055 by utilizing the Hilbert College code provided. Part Time employees may be referred by the Wellness Center.

### G. Policy Regarding Alcohol at Campus Events

The following outlines the “policy”/procedures for the “serving” of alcohol at “controlled” events on the Hilbert College campus. A “controlled” event is defined as one sponsored by a specific group of faculty/staff for a predetermined amount of time with a predetermined, and self-provided, amount of beer and/or wine. These events must have an approved “party permit” from the Office of Student Life.

In accord with this definition, “serving” will mean the storing of the beer/wine in the food service cooler for up to 24 hours prior to the event and the providing of glasses, ice, and “service/storage” device (e.g., bowl, etc.). The members of the group will, unless otherwise requested, bear total responsibility for the dispensing of the beer/wine among themselves.

A party is defined as a social gathering of 6 or more persons with alcoholic beverages present. An individual or organization wishing to host a party must register the event with the Student Life Office one week prior to the event.

Any event on campus which includes alcohol is subject to the following guidelines:

1. The individual or organization representative registering the party must complete the Party Registration form and have it approved by the appropriate official in the Student Life Office by the end of office hours one week prior to the event.
2. A \$50.00 damage/clean-up deposit payable to the Student Life Office will be required. This deposit is fully refundable provided there are no problems in connection with the party and the area is restored to normal condition.
3. Publicity and advertising for approved events shall avoid any reference (either written or illustrated) to alcoholic beverages or alcohol consumption.
4. The individual(s) or organization(s) registering the party may not sell alcoholic beverages.
5. The individual(s) or organization(s) registering the party is responsible for enforcing all College policies and applicable laws.
6. Adequate amounts of non-alcoholic beverages and food must be prominently available and equally accessible throughout the duration of the event.
7. Visibly intoxicated persons may not be served.
8. Hilbert College Food Service and/or their agents will serve as monitors of identification and servers of alcoholic beverages. No persons other than Hilbert College Food Services

- and/or their agents will serve in these capacities.
9. Open containers may not leave the designated party area.
  10. Visitors to Hilbert College are obligated to follow the rules and regulations of the Alcohol and Drug Policy. Violators may be expelled from Hilbert College property.
  11. The number of persons at an event shall not exceed the capacity of the designated area.
  12. All parties must have an established ending time to be determined by the Office of Student Life or the applicable state or local law.
  13. All trash must be removed from the designated area and adjoining areas, and the area must be restored to its normal condition.
  14. In the event damage is done by a guest of those responsible for the party in the designated area or any other area of the campus including the grounds, the responsible party agrees to accept complete financial responsibility.
  15. All guests must be properly identified as to age and alcoholic beverages will only be served to those persons appropriately identified and of legal age.
  16. In the event that Hilbert College personnel deem that it is necessary to provide additional Hilbert College Campus Safety officers to assist with the event, the individual(s) or organization sponsoring the event will be responsible for this cost.

This policy is in furtherance of the College's policy to provide a campus and workplace free of illicit drugs and unauthorized alcohol. It is also designed to comply with applicable laws. This program may be changed or amended as the College deems appropriate or to comply with any changes in applicable laws.

**Note:** If alcohol is to be made available for purchase at any event held on Hilbert College, a temporary beer and wine permit must be issued by the New York State Liquor Authority. Applications for the permit are available in the Office of Student Life and require at least 15 business days for processing. There is a charge for this permit which must be paid by the club/organization sponsoring the event.

#### H. Alcohol and Other Drug Prevention Efforts (AOD)

Hilbert College officials, including the Dean of Students, the Director of Counseling, the Director of Residence Life, Director of Student Activities, Director of Human Resources and the Director of Campus Safety, work together to develop educational programs related to promoting awareness of personal safety and campus security specifically focused on the use of alcohol and other drugs. These individuals are the College AOD Prevention Coordinators. The campus education programs are intended to address the following:

1. Providing information during student onboarding about the physical, emotional, and societal effects of alcohol and drug use.
2. Providing educational programs as part of curricular and co-curricular activities.
3. Providing information for on-campus and off-campus support services.
4. Reviewing these programs and their effectiveness on a continual basis.
5. Performing a Biennial review of the DAAPP to ensure continued compliance.

## I. Drug Classifications

Schedule I drugs are narcotics-opium derivatives, hallucinogens, depressants, and stimulants that have a high risk of abuse, are considered to have no therapeutic value, and cannot be obtained even with a prescription. Common Schedule I drugs include, but are not limited to, LSD, Marijuana (and its derivatives and synthetic forms), Mescaline, Peyote, Quaalude, Heroin, and Gamma Hydroxybutyric Acid (GHB).

Schedule II drugs have a high abuse risk but are also considered to have therapeutic value and can be obtained with a prescription. These drugs can cause severe psychological or physical dependence. Common Schedule II drugs include, but are not limited to, Opium, Morphine, Cocaine, Codeine, Methadone, Amphetamines, Methamphetamines, Oxycodone, Seconal, Phenobarbital, PCP, and hallucinogens used to decrease the side effects of chemotherapy.

Schedule III drugs have a potential for moderate psychological and physical dependency and may be obtained with a prescription. Schedule III drugs include, but are not limited to, Benzphetamine, Secobarbital, Narcan, Codeine, Morphine, Dihydro-codein-one, and Anabolic Steroids.

Schedule IV drugs have therapeutic value and require a prescription. Two common examples are Valium and Chloral Hydrate.

Schedule V drugs also have therapeutic value and can only be obtained with a prescription. They are divided into Narcotic drugs and Narcotics-non-narcotic preparations and typically contain smaller amounts of the narcotic drug than do Schedule III or IV drugs.

“Harmful intoxicant” is another classification of substances which are regulated. While they are not “drugs,” their improper use can place them in the category of “recreational drugs.” “Harmful intoxicants” do not include beer or intoxicating liquor; rather, the term designates any compound mixture, preparation, or substance (e.g., paint, glue), the gas, fumes, or vapor of which, when inhaled, can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects.

## J. Smoking Policy

Hilbert College is a Tobacco Free Campus and therefore, smoking is prohibited at all times on campus grounds. Any used cigarettes, ashtrays, smoking paraphernalia, vapes, electronic smoking devices and/or ashes will be considered a violation of the smoking policy. Smoking is in part, defined as carrying or holding of any lit or ignited pipe, cigar, cigarette, electronic cigarette, or any other lit or battery operated smoking equipment or device.

Smoking any drugs or illegal substances is against college policy as well. This includes but is not limited to being knowingly in the presence of smoking a substance or having the odor of marijuana on their persons.

## NEW YORK STATE PENAL LAW

Article 220 and 221 of the Penal Law are directly aimed at unlawful traffic in mind-affecting drugs. They are compatible with the Public Health Law and provisions of the latter are often cross-referenced in the Penal Law Sections that deal with the different drugs.

Article 220 and 221 set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depends upon the individual drug and amount held or sold. The table of penalties in this publication was derived from those statutes.

Marijuana has been placed in Article 221 and separately dealt with in the Penal Law, as a result of the Marijuana Reform Act of 1977. That statute made the penalties upon conviction of use of small amounts of marijuana less severe than formerly.

Specific sections of interest in Article 220 not included in the table follow:

Section 220.44- Makes a sale of controlled substance on or near school grounds, to a person less than 19 years of age, a Class B felony.

Section 220.45- Makes criminal possession of a hypodermic instrument a Class A misdemeanor.

Section 220.46- Makes criminal injection of another person with a narcotic drug, with consent of that person, a Class E felony.

Section 220.50- Bans possession or sale of drug paraphernalia; deals with things that dilute drugs, like dextrose or mannite, and gelatin capsules, plastic envelopes, etc., considered commercial preparation materials (Class A misdemeanor)

Section 220.60- Makes criminal possession of certain “precursors” of controlled substances used in their preparation of manufacture, but not the drugs themselves, a Class E felony (for example, ergot or dissimilate).

It is important to be aware that under the Penal Law, a gift or drugs, including marijuana, is treated as a sale.

New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but no more than one year. A felony is a crime punishable by imprisonment for more than one year.

## NEW YORK LAW: ILLEGAL SALE OR POSSESSION OF ALCOHOL

1. Unlawful Dealing with a Child: It is unlawful to give or sell alcohol (or cause it to be given or sold to a person under the age of 21. This is a Class B misdemeanor. The penalty could be up to three months imprisonment and a \$500 fine.
2. DWI: Driving While Intoxicated (by drugs or alcohol) is misdemeanor punishable by up to a year imprisonment and a fine of up to \$500.
3. DWAI: Driving While Ability Impaired by Alcohol is a violation punishable by up to 15 days imprisonment and a fine of up to \$350.
4. Liability of One Serving a Person under Age 21: Anyone who furnishes or assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.
5. Dram Shop Liability; any person who sells alcoholic beverages or unlawfully assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.
6. Fraudulent Documents: It is in violation of state law for a person under the age of 21 years to present false evidence of age to procure alcoholic beverages. Possessing such false evidence may also be criminal possession of a forged instrument within the meaning of the penal law. The penalty for suing fraudulent means to obtain alcoholic beverages may include probation up to a year and a fine of up to \$100.

## FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL DRUG POSSESSION OF A CONTROLLED SUBSTANCE

21 U.S. C. 844 (a)

1<sup>st</sup> conviction: Up to 1 year imprisonment and fined at least \$1, 000 but not more than \$100,000 or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2, 500 but not more than \$250,000 or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined 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 fined up to \$250,000 or both if:

- a) 1<sup>st</sup> conviction and the amount of crack possessed exceeds 5 grams.
- b) 2<sup>nd</sup> crack conviction and the amount of crack exceeds 3 grams.
- c) 3<sup>rd</sup> or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. (a) (2) and 881 (a) (7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if the offense is punishable by more than 1-year imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881 (a) (4)

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 884a

Civil fine of up to \$10,000 (pending adoption of final agreement).

21 U.S.C. 853a

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for the offence, up to 5 years for second and subsequent offences.

18 U.S.C. 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.

***Note: These are only federal penalties and sanctions additional state penalties and sanctions may apply.***

In addition to our campus resources, there are several local agencies which provide confidential help. They are as follows:

Alcoholics Anonymous	716-853-0388	<a href="http://www.alcoholics-anonymous.org">www.alcoholics-anonymous.org</a>
Al-Anon	716-856-2520	<a href="http://www.al-anon.org">www.al-anon.org</a>
Best Self Behavioral Health	716-822-2117	
Buffalo General Medical Center	716-859-5600	
Buffalo General Outpatient Chemical Dependency Clinic	716-859-4772	
Catholic Charities	716-856-4494	
Central Referral Services	716-851-5555	
Community Concern	716-648-0650	
Compass House Resource Center	716-884-3066	
Crisis Services Addiction Hotline	716-834-3131	<a href="http://www.crisisservices.org">www.crisisservices.org</a>
Erie County Council for Prevention of Alcohol & Substance Abuse	716-831-2298	
Erie County Medical Center	716-898-3000	
Kids Escaping Drugs	716-827-9462	<a href="http://www.ked.org">www.ked.org</a>
Narcotics Anonymous	716-878-2316	
National Clearing House for Alcohol & Drug Information	1-800-SAY-NO-TO	
Nar-Anon	716-875-0548 or 716-685-1590	<a href="http://www.nar-anon.org">www.nar-anon.org</a>
Oishei Children's Hospital	716-323-2000	
Substance Abuse Treatment Helpline (a referral service)	1-800-668-HELP	<a href="http://www.findtreatment.samhsa.gov">www.findtreatment.samhsa.gov</a>
National Council on Alcoholism (a referral service)	1-800-NCA-CALL	
National Institute on Drug Abuse (a referral service to cocaine abuse centers)	1-800-729-6686	<a href="http://www.nida.nih.gov">www.nida.nih.gov</a>

**ADAPTATION OF THE NEW YORK STATE PENAL CODE FOR POSSESSION OF DRUGS**

	15 years to life	3 years to life	1 to 25 years	1 to 15 years	1 to 7 years	1 to 4 years	6 months to 1 year-misdemeanor	up to 3 months
FINES	\$100,000	\$50,000	\$30,000	\$15,000				
Controlled Substance Narcotic (mixture) including Cocaine	4 oz or more	2 oz or more	1/2 oz or more or intent to sell	1/8 oz or more	any amount or intent to sell		possession	
Methodone	5760 mg or more	2880 mg or more		360 mg or more				
Methamphetamine (mixtures or compounds)		2 oz	1.8 oz with intent to sell	1/2 oz				
Stimulant		10 g	5 g or 1 g with intent to sell	1 g or more				
LSD		25 mg	5 mg or more or 1 mg with intent to sell	1 mg or more				
Hallucinogen		625 mg	125 mg or 25 mg with intent to sell	25 mg or more				
Hallucinogenic Substance		25 g	5 g or 1 g with intent to sell	1 g or more				
Phencyclidine			1250 mg	50 mg or more w/intent to sell & previous offense or 250 mg	50 mg			
Depressant				2 lbs or more				
Dangerous Depressant				10 oz or more				
Marijuana				1 oz concentrated or > 10 lbs mixtures	1/4 or more concentrated or > 16 oz mix	> 8 oz	> 2 oz	> 25 g
Cocaine-Crack					500 mg or more			
Narcotics Preparation (mixtures)Compounds including Cocaine	2 oz or more	1/2 oz or more	any amount	any amount	any amount			
Methodone	2880 mg or more	360 mg or more		any amount				
Methamphetamine		1/2 oz	1/8 oz					
Stimulant		5 g	1 g or more					
LSD		5 mg	1 mg or more					
Hallucinogen		125 g or more	25 mg or more					
Hallucinogenic Substance		5 g	1 g or more					
Phencyclidine			250 mg	any amount and previous offense or 50 mg or more				
Depressant				2 lbs or more				
Dangerous Depressant				10 oz or more				
Marijuana				> 16 oz mixtures	> 4 oz. of compounds to those < 18 yrs. Old	> 25 g mixtures	sale of concentrated	> 2 g mixtures

## Sanction Chart for Student Code of Conduct Violations

Violation	Warning	Residence Life Probation	Community Service	Restitution	Educational Experience	Reflection Paper	Alcohol & Drug	Removal from Leadership Position	No Contact	Persona Non Grata	Loss of Privileges	Suspension (Housing)	Suspension (College)	Expulsion
<b>Alcohol (Possession/ Presence of Paraphernalia)</b>	x	One Semester	3-5 Hours			^								
<b>Alcohol (Possession, Use, Distribution)</b>	x	One Semester	5-10 Hours			^	x							
<b>Bias Related Crimes / Incidents</b>	x	^Two Semesters	20-25 Hours	^				x	x	x	^	^	^	^
<b>Community Standards/Noise</b>	x		0-5 Hours		^	^								
<b>Drugs (Possession of Paraphernalia)</b>	x	Two Semesters	5-10 Hours		^	x	x	x				^		
<b>Drugs (Presence, Possession, Use)</b>	x	^Two Semesters	10-20 Hours		^	x	x	x				^	^	
<b>Drugs (Sale, Distribution)</b>	x	^Two Semesters	20-25 Hours		x	x	x	x		x		x	x	^
<b>Fire Safety</b>	x	One Semester	0-5 Hours	^	^	^		^		^	^	^	^	
<b>Guest Policy</b>	x	^One Semester	0-5 Hours		^					^	^			
<b>Harassment/ Stalking</b>	x		20-25 Hours					x	x	x	^	^	^	^
<b>Lying</b>	x	One Semester	0-5 Hours								^			
<b>Pets</b>	x	One Semester	5-10 Hours	^		^						^		
<b>Sexual Assault</b>	x		20-25 Hours					x	x	x	^	x	x	^
<b>Smoking</b>	x	One Semester	5-10 Hours	^	^	x	^	^						
<b>Theft</b>	x	^Two Semesters	5-10 Hours	^				x		^	^	^	^	^
<b>Vandalism</b>	x	Two Semesters	5-10 Hours	^		x		x		^	^	^	^	
<b>Violence/ Dating Violence</b>	x	Two Semesters	20-25 Hours					x		^	^	^	^	^
<b>Weapons</b>	x	^Two Semesters	20-25 Hours					x		^	^	^	^	^
<b>Unauthorized Access</b>	x	One Semester	5-10 Hours	^	^	x		^		^	^	^		

A possible sanction (^) can occur dependent on severity of incident and if the student has a previous conduct record

A recommended sanction (x) is the advised sanction if the student is found responsible

\*At any time, the Student Conduct Administrator or their designee can choose to sanction not on this chart.

\*\*All students have the right to an appeal. See the Student Handbook for more information.

### **Hilbert AOD Programs 2017-2019:**

#### **The We C.A.R.E. Workshop** (Coordinating Alcohol Responsibility with Education):

The Counseling Center offers a three (3) hour educational workshop the first Saturday of each month during the academic year for those individuals sanctioned for alcohol or drug violations.

Hosted “**It’s Real**” presented by the **American Foundation for Suicide Prevention** (Open to the public) Much of this program included Alcohol and Drug information

Hosted “**The Dangers & Consequences of Popular Substances**” presented by **Kids Escaping Drugs** (Open to the public) This included a testimonial of a young man who shared his experiences with alcohol and drugs.

Hosted “**African Drummers**” – A leadership presentation (Open to the public) This was a diversity, leadership presentation bringing students together for the betterment of the college environment.

Hosted several de-stress presentations that helped students understand how to de-stress in a positive and healthy way.

Hosted “**The Hamburg K-9 Corp.**” – an educational and de-stress presentation on the use of canines in law enforcement to detect illegal substances.

“**The Wellness Fair**” included Hamburg Police Department and the local Sheriff Department. The fair provided a wide array of information concerning Alcohol and Drugs.

### **Residence Life Programs Hosted 2018:**

Resident Assistant (RA) training dedicated to AOD education & how to respond effectively

Mocktails: Alcohol education on safe drinking habits at social events

Drunk Cart: Drunk driving seminar with the Hamburg Police Department using simulator goggles.

Orientation presentation on campus AOD policies & Know the Code

GS 101: 75 minute class period defining social habits of a “normal college student” focusing on AOD use.

Hosted “**Equality Inc.**” on campus which is a nonprofit organization dedicated to expanding awareness and promoting social change around issues of equality. Topics included Title IX, Drug and Alcohol related issues.

## **Residence Life Programs Hosted (and programmed for 2019):**

Let's Keep You Safe: Orientation Fall 2019

AOD Welcome back Student sessions conducted

GS 101 Common Days that educate on AOD education, all Freshman class attends

“Substance Grand Prix” program to be held to educate on alcohol and drug misuse

Wellness Fair to be conducted including many area vendors promoting healthy options for living

\*Note: Drug and Alcohol programs may vary from year to year in content and methods of delivery. GS 101 DAAPP Education and Wellness Fairs have been annual programs.

## **Complying with Drug-Free Schools and Campuses Regulations**

### **Electronic Distribution**

The Student Handbook is on-line and available to students. <https://www.hilbert.edu/student-life/student-handbook>

The Human Resources (HR) Manual is available to all employees and reviewed by Human Resources with all new employees.

The DAAPP will be distributed via the Hilbert Website and the Blackboard system.