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## **Biennial Review of Its Drug/Alcohol Policies**

The Drug Free Schools and Campuses Regulations (34 CFR, Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an institution of higher education to certify it has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by students and employees both on the premises and as part of any activities. At a minimum each institution of higher education must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
- A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students.
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

The law further requires that the institution conduct a biennial review of its program with the following objectives:

- Determine the effectiveness of the policy and implement changes to the program, if needed.
- Ensure that the sanctions developed are enforced consistently.

The biennial review must also include a determination as to:

- The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of their activities that are reported to campus officials; and
- The number and type of sanctions the school imposes on employees as a result of such violations or fatalities.

Access Careers acknowledges a legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the school fulfills the requirements of the Federal regulations.

The following school officers will sit on the Biennial Review Committee: the President, the Campus Directors, the Human Resources Manager and the Office Managers.

Materials Reviewed:

- The Higher Education Amendments of 1998 (P.L. 105-244) and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L.101=-226)
  - Alcohol and other Drug Policy documents distributed to all faculty, students and staff.
  - State laws regarding drug and alcohol abuse.
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Access Careers is committed to creating for its students, faculty and staff an environment in which the misuse of alcohol and drugs is minimized, which encourages moderation, safety and individual accountability, and which provides an atmosphere free of coercion and peer pressure to misuse alcoholic beverages ("alcohol"), prescription medication, or use unlawful drugs. Access Careers strongly supports educational and treatment programs as the most effective means to help reduce and prevent alcohol and drug abuse. At the same time, the School prohibits the misuse or unlawful possession or distribution of alcohol and prescription medications, as well as, unlawful possession, use, or distribution of illicit drugs by students, faculty members, or staff members while on School property or while participating in School-sponsored activities or conducting School business off-premises.

In developing this policy, we acknowledge that we cannot guarantee that policies or laws concerning the use of alcohol, medications, or illegal substance use will be observed by everyone at the School. Instead, we must also rely on the judgment of students, faculty and staff to be mindful of the health, safety and well-being of themselves, and of their friends and guests, by observing the laws and policies contained in this statement.

### **Standards of Conduct**

The unlawful possession, use, or distribution of illicit drugs on School premises or at School activities are strictly prohibited. The unlawful possession, misuse or distribution of prescription medication is also prohibited. The sale, service, possession, and consumption of alcoholic beverages on School premises or at related School activities must comply fully with all applicable laws.

### **Legal Requirements Related to Alcoholic Beverages**

New York State law provides that:

1. Alcoholic beverages shall not be provided under any circumstances by any licensed server to any person under the age of 21 or to anyone who is disorderly, visibly intoxicated, or known to be a habitual drunkard.
2. No person under 21 years of age may misrepresent her/his age for the purpose of obtaining alcoholic beverages, nor may a person assist another in such a misrepresentation.
3. Proof of age must include presentation of a valid American or Canadian driver's license or no driver identification card, a valid passport, or a valid identification card issued by the United States Armed Forces. No person under 21 years of age shall provide false or written evidence of age for the purpose of attempting to purchase alcoholic beverages.
4. No person under the age of 21 may possess any alcoholic beverage with the intent to consume it.
5. Actions or situations that involve forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization are prohibited.
6. Alcoholic beverages may not be served where money changes hands (sale of drinks, admission charged, donations solicited, etc.) without the appropriate license or permit.

7. Events that involve money changing hands require a Temporary Beer and Wine Permit issued by the New York State Alcoholic Beverage Control Board. (This includes 'free' events provided by an organization that charges a membership fee).
8. In premises that hold a New York State Liquor License (limited areas, contact Events Management), all individuals and groups must adhere to the provisions of the license. No unauthorized alcohol may be brought into such areas.
9. In unlicensed premises, beer or wine may be sold or dispensed only if a Temporary Beer and Wine Permit issued by the New York State Alcoholic Beverage Control Board is obtained. Hard liquor is not permitted at any events.
10. Appropriate posted warnings about the effects of alcohol during pregnancy must appear at all events where alcohol is served.

Violation of these New York laws may subject the violator to legal penalties that range from confiscation of the beverage by a police officer to suspension of one's driver's license to fine or imprisonment. Moreover, within the School the illegal or wrongful possession, provision, or consumption of alcohol will lead to proceedings in accordance with the procedures of the respective school or administrative unit, which can include the requirement for the student to receive psychological or medical assessment and/or counseling and appropriate treatment. Disciplinary action may result in suspension or expulsion or the referral of violators for criminal prosecution. Employees should also note that they may not report to work or be at work while under the influence of alcohol or other substances.

**DRUG ABUSE POLICY:** It is the policy of Access Careers that any person found to be in possession of, under the influence of, using, selling, offering for sale, or trading drugs or alcohol (whether or not for monetary gain) on our campus may be subject to disciplinary action up to and including dismissal from school.

### **Health Risks Associated with Alcohol and Illicit Drug Use**

The following are summaries provided by the federal government of the health risks associated with illicit drug use and alcohol abuse. These are an overview and each individual will experience impact of the drug or alcoholic beverage in a different way given his or her physical and psychological characteristics.

### **HEALTH ISSUES RELATED TO ALCOHOL USE**

Alcoholic consumption causes a number of marked changes in behavior. Even low doses significantly impair judgment and reduce the coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses, which differ greatly for different people, can cause respiratory depression and death. If combined with other

depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Alcohol misuse and abuse, including excessive or "binge" drinking, can seriously affect academic, athletic, and work performance while leading to behaviors that are destructive, violent, or asocial. In particular, recent studies have revealed a strong relationship between alcohol consumption and instances of wrongful or inappropriate sexual behaviors. Studies show that people who consume large amounts of alcohol, or binge drink, are more likely to struggle with mental health problems. Alcohol misuse or abuse can be a contributory factor in some mental illnesses, such as depression.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **HEALTH ISSUES RELATED TO DRUG USE**

While adverse health effects may vary depending on the substance, most drugs can produce one or more of the following reactions: headache, nausea, dizziness, anxiety, damage to organs, addiction, and, in extreme cases, death. Interactions between drugs and alcohol can be especially extreme. Moreover, the use of drugs can result in asocial or violent behaviors and can have a severe negative effect on personal development, schoolwork, and job performance.

### **HEALTH ISSUES RELATED TO PRESCRIPTION DRUG MISUSE**

It is unhealthy and unsafe to take prescription drugs outside of the purpose for which it was prescribed. Some prescription medicines can be addictive, especially stimulants, painkillers, and sedatives/anti-anxiety medications. Self-medication is very dangerous and only your prescribing practitioner can decide how much of a medication you should take - this means taking the right amount at the right time, as well as adhering to the expiration date and disposing of pills appropriately.

### **School Sanctions**

Members of the School community who violate School policy will be subject to discipline. Guests, visitors, or vendors may be asked to leave and prohibited from returning to School property. Taking into account the circumstances of each case, sanctions for students may range from warnings to expulsion from the School, and sanctions for faculty and staff members may range from warnings to termination. At the discretion of the School, as an alternative to, or in addition to any disciplinary action taken, students or employees may be required to participate in and to complete satisfactorily an appropriate educational, counseling or rehabilitation program. Records of discipline may be maintained in a student's record or an employee's personnel file.

Enforcement of these sanctions will be through the School's existing disciplinary procedures for students, faculty, and staff, as appropriate.

### **Criminal Sanctions**

The unlawful possession, use or distribution of illicit drugs and alcohol is punished by harsh sanctions by the State of New York and by the United States Government.

Where illicit drugs are involved, the seriousness of the offense and the penalty imposed upon conviction usually depends upon the individual and the amount of the drug held or sold. For example, in New York State the criminal possession of four or more ounces of cocaine is a Class A-1 felony, punishable by a minimum of 15 to 25 years, and a maximum of life in prison. Fines of up to \$100,000 may also be imposed. The sale of two or more ounces of cocaine will be similarly treated. The criminal possession of more than eight ounces of marijuana is a Class E felony, punishable by up to two years in prison and a fine of up to \$5,000 as is the sale of more than 25 grams of marijuana. *It is important to be aware that, in New York, even giving or sharing drugs, including marijuana, is treated as a sale.*

A person need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile, for instance, is presumptive evidence of knowing possession of each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances, including marijuana, in open view in a room under circumstances demonstrating intent to prepare the substance for sale is presumptive evidence of knowing possession of anyone in close proximity.

Criminal penalties may also result from the misuse of alcoholic beverages. In New York, if one gives or sells an alcoholic beverage to a person under 21 years of age, the person commits a Class A misdemeanor, punishable by up to one year in jail and a \$1,000 fine. The sale of any kind of alcoholic beverage without a license or permit is also a misdemeanor punishable by a fine, a jail term, or both. Persons under the age of 21 are prohibited from possessing alcoholic beverages with intent to consume them. Each violation is punishable by a \$50 fine. The beverages may also be seized and destroyed by appropriate internal or external authorities. An individual can be fined up to \$100 and/or required to perform community service and/or required to complete an alcohol awareness program if he or she is under 21 and presents a falsified proof of age when attempting to purchase alcoholic beverages. A person can have a driver's license suspended between 90 - 180 days if he or she is under 21 and uses a driver's license to try to purchase alcohol illegally.

These are only examples of the criminal penalties that can be assessed against a person for the illegal possession, use, and distribution of alcoholic beverages and drugs. Further information regarding Federal penalties can be found on the web at: <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

It is the School's policy to discourage violations of federal, state, and local law by its employees and students. Where appropriate, the School may refer employees and students who violate such laws for prosecution by the relevant governmental authorities and will cooperate fully with such authorities.

## **Counseling and Support Programs**

Access Careers educates students about alcohol and drug use through specific programs throughout the year, through published information and other services offered by the offices of the Alcohol and Substance Awareness Program (ASAP), and the Primary Care Health Services. Information and referrals for outside support and treatment options are available to students through the Alcohol and Substance Awareness Program.

Similarly, employees may seek the assistance of the Human Resources Department in locating appropriate services.

If you wish to seek treatment resources off-campus, the following list will help you find resources in your community.

Alcoholics Anonymous – 212.870.3400

Adult Children of Alcoholics – 310.534.1815

National Drug Information Treatment and Referral Hotline – 800.662-HELP

National Association of State Alcohol/Drug Abuse Directors – 202.293.0090

National Clearinghouse for Alcohol and Drug Information – 800.729.6686

National Council on Alcoholism and Drug Dependence – 800.NCA.CALL