



Westchester
Community College

State University of New York

Policy on Drugs & Alcohol

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I. Introduction

Westchester Community College is committed to maintaining an environment that supports academic success and personal wellness for all members of our college community. The misuse of alcohol and illegal drugs interferes with the college's goal of fostering a healthy and safe learning and work environment and can have a devastating effect on all members of the community. In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, Westchester Community College maintains a program to prevent the unlawful manufacture, distribution, dispensation, possession and use of illegal drugs or alcohol by students and employees.



II. Standards of Conduct

Drugs

Westchester Community Colleges prohibits the manufacture, distribution, sale, possession, and/or use of illicit drugs and/or loitering with intent to engage in these activities on Westchester Community College property, in Westchester Community College facilities, and/or at Westchester Community College on- or off-campus activities or events sponsored by the institution. This includes student-sponsored social activities or professional meetings attended by employees that the campus authorizes and/or use any campus resources. This policy is applicable for all employees and students who are registered for at least one course for any type of credit, except for continuing education units.

An employee convicted of any violation of the criminal drug statutes for activities in or on property owned or controlled by Westchester Community College or at activities sponsored by Westchester Community College must notify the Office of Human Resource Services, of the conviction, in writing, within five calendar days of conviction. Student workers must notify the Office of Human Resource Services. Medical testing may be done if Westchester Community College has a reasonable suspicion that an employee is unable to perform job duties due to the misuse of alcohol, controlled substances, or prescription drugs. The Omnibus Transportation Employee Testing Act of 1991 (OTETA) also requires Westchester Community College to conduct pre-employment, pre-assignment (promotion), reasonable suspicion, post-accident, random, follow-up and return to duty alcohol and drug testing on all employees whose positions require the possession of a Commercial Driver's License (CDL).

Alcohol

Employees and students are expressly prohibited from selling, dispensing, or consuming alcoholic beverages on Westchester Community College property, in Westchester Community College facilities, or at Westchester Community College activities or events.

Exceptions may be approved under the following circumstances only:

- A. Approved off-campus student events that receive prior written approval from the Vice President of Student Access, Involvement & Success.
 - a. Sale of alcohol at an approved student event shall be limited to beer, wine (including champagne), and hard cider. No alcoholic beverages other than these three types, including any other liquor or spirits may be served or sold at any event. The type of alcoholic service is limited to a cash bar; open bars are prohibited.
 - b. The approved student event must have a purpose other than the consumption of alcoholic beverages and alcoholic beverages may not be used for drinking games or as contest prizes.
 - c. Advertising for an approved event that includes the pre-approved sale of alcoholic beverages may not suggest or indicate the availability of alcoholic beverages, nor may it suggest an event purpose associated with consumption of alcoholic beverages.



- d. The venue chosen for an approved student event held off campus at a commercial business must be a venue whose primary purpose and business is not the sale and service of Alcoholic Beverages.
- e. For approved student events held off campus where alcoholic beverages are sold or served, the venue where the approved student event is to be held, or catering business serving the alcoholic beverages, must assume all liability with regard to the sale or service of alcoholic beverages either under proper local and/or state licenses and permits and liability insurance or personal liability. Proof of liability should be provided to VP of Student Access, Involvement & Success at the time the request is made for approval.



III. Legal Sanctions

Violators of the WCC Policy on Drugs & Alcohol may be subject to both WCC sanctions and criminal sanctions under federal, state, and local law.

Under federal law, a person convicted of any federal or state offense involving possession of a controlled substance is ineligible to receive any and all federal benefits (e.g., student loans, social security) for a period of up to one year. A person convicted of the distribution of a controlled substance may be ineligible for any or all federal benefits for up to five years. There are both federal and state laws dealing with the distribution or manufacture of controlled substances in or near schools or colleges or universities. Federal law provides that a drug offense within 1,000 feet of Westchester Community College is punishable by a term of imprisonment and a fine of up to twice the amount authorized for the same offense when it is committed away from Westchester Community College.

Below are descriptions of applicable legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

New York State Penal Law - Drugs:

NYS Penal Law: Article 220 - Controlled Substances Offenses; Article 221 - Offenses Involving Marihuana; and Article 178 - Criminal Diversion of Prescription Medications and Prescriptions		
<u>NYS Penal Law</u> <u>Controlled</u> <u>Substances</u> <u>Offenses</u>	<u>Specifics</u>	<u>Sentence</u>
§ 220.03 Criminal possession of a controlled substance (7 th degree).	Knowingly and unlawfully possessing a controlled substance (any substance listed in §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in §3302 of NYS Penal Law Article 220).	Class A misdemeanor: imprisonment up to one year.
§ 220.06 Criminal possession of a controlled substance (5 th degree).	Knowingly and unlawfully possessing: <ol style="list-style-type: none"> 1. a controlled substance with intent to sell it; or 2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (aggregate weight of ½ oz or more); or 3. phencyclidine (50 mg or more); or 4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (aggregate weight of ¼ oz ounce or more); or 5. cocaine (500 mg or more); or 	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.



	<p>6. ketamine (more than 1,000 mg); or</p> <p>7. ketamine, and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or</p> <p>8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 28 g or more).</p>	
<p>§ 220.09 Criminal possession of a controlled substance (4th degree).</p>	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (an aggregate weight of 1/8 oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (an aggregate weight of ½ oz or more); or 3. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (an aggregate weight of 2 oz or more); or 4. a stimulant (1 g or more); or 5. lysergic acid diethylamide (1 mg or more); or 6. a hallucinogen (25 mg or more); or 7. a hallucinogenic substance (1 g or more); or 8. a dangerous depressant (10 oz or more); or 9. a depressant (2 lbs or more); or 10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (an aggregate weight of 1 oz or more); or 11. phencyclidine (250 mg or more); or 12. methadone 360 mg or more); or 13. phencyclidine (50 mg or more) with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense); or 14. ketamine (4,000 mg or more); or 15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 200 g or more). 	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>



<p>§ 220.16 Criminal possession of a controlled substance (3rd degree).</p>	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. a narcotic drug with intent to sell it; or 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense; or 3. a stimulant (1 g or more) with intent to sell it; or 4. lysergic acid diethylamide (1 mg or more) with intent to sell it; or 5. a hallucinogen (25 mg or more) with intent to sell it; or 6. a hallucinogenic substance (1 g or more) with intent to sell it; or 7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (1/8 oz or more) with intent to sell it; or 8. a stimulant (5 g or more); or 9. lysergic acid diethylamide (5 mg or more); or 10. a hallucinogen (125 mg or more); or 11. a hallucinogenic substance (5 g or more); or 12. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or 13. phencyclidine (1250 mg or more). 	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.18 Criminal possession of a controlled substance (2nd degree).</p>	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 4 oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 2 oz or more); or 3. a stimulant (10 g or more); or 4. lysergic acid diethylamide (25 mg or more); or 5. a hallucinogen (625 mg or more); or 	<p>Class A-II felony: imprisonment 3 to 10 years. For a 2nd time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.</p>



	<p>6. a hallucinogenic substance (25 g or more); or</p> <p>7. methadone (2850mg or more).</p>	
<p>§ 220.21 Criminal possession of a controlled substance (1st degree).</p>	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 8 oz or more); or 2. methadone (5760 mg or more). 	<p>Class A-I felony: imprisonment for 8 to 20 years. For a 2nd time offender: imprisonment for 12 to 24 years. For a 2nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</p>
<p>§ 220.25 Criminal possession of a controlled substance (presumption).</p>	<ol style="list-style-type: none"> 1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession by each and every person in the automobile at the time the substance was found (see §220.25 for exceptions). 2. The presence of a narcotic drug, narcotic preparation, marihuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such substance is presumptive evidence of knowing possession thereof by each and every person in close proximity to such controlled substance at the time such controlled substance was found (see §220.25 for exceptions). 	
<p>§ 220.31 Criminal sale of a controlled substance (5th degree).</p>	<p>Knowingly and unlawfully selling a controlled substance (any substance listed in schedule I, II, III, IV or V of §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of §3302 of NYS Penal Law Article 220).</p>	<p>Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>



<p>§ 220.34 Criminal sale of a controlled substance (4th degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 1. a narcotic preparation; or 2. a dangerous depressant (10 oz or more) or a depressant (2 lbs or more); or 3. concentrated cannabis as defined in §3302 of the NYS Public Health Law; or 4. phencyclidine (50 mg or more); or 5. methadone; or 6. phencyclidine (any amount) and previously convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or 7. ketamine (4,000 mg or more); or 8. a controlled substance in violation of section 220.31, when such sale takes place upon school grounds; or the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or 9. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (28 g or more), as defined in §3306 of the NYS Public Health Law. 	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>
<p>§ 220.39 Criminal sale of a controlled substance (3rd degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 1. a narcotic drug; or 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide (and previously convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or 3. a stimulant (1 g or more); or 4. lysergic acid diethylamide (1 mg or more); or 5. a hallucinogen (25 mg or more); or 6. a hallucinogenic substance (1 g or more); or 7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 1/8 oz or more); or 	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>



	<p>8. phencyclidine (250 mg or more); or</p> <p>9. a narcotic preparation to a person less than 21 years old.</p>	
<p>§ 220.41 Criminal sale of a controlled substance (2nd degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of ½ oz or more); or 3. a stimulant (5 g or more); or 4. lysergic acid diethylamide (5 mg or more); or 5. a hallucinogen (125 mg or more); or 6. a hallucinogenic substance (5 g or more); or 7. methadone (360 mg or more). 	<p>Class A-I felony: imprisonment for 8 to 20 years. For a 2nd time offender: imprisonment for 12 to 24 years. For a 2nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</p>
<p>§ 220.43 Criminal sale of a controlled substance (1st degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 2 oz or more); or 2. methadone (2880 mg or more). 	<p>Class A-II felony: imprisonment 3 to 10 years. For a 2nd time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.</p>
<p>§ 220.44 Criminal sale of a controlled substance in or near school grounds.</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 1. a controlled substance in violation of any one of subdivisions 1– 6-a of §220.34, when such sale takes place upon school grounds; or 2. a controlled substance in violation of any one of subdivisions 1– 8 of §220.39, when such sale takes place upon school grounds; or 3. a controlled substance in violation of any one of subdivisions 1– 6 of §220.34, when such sale takes place upon the grounds of an educational facility 	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>



	<p>under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or</p> <p>4. a controlled substance in violation of any one of subdivisions 1–8 of §220.39, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.</p>	
§ 220.45 Criminally possessing a hypodermic instrument.	Knowingly and unlawfully possessing or selling a hypodermic syringe or hypodermic needle.	Class A misdemeanor: imprisonment up to one year.
§ 220.46 Criminal injection of a narcotic drug.	Knowingly and unlawfully possessing a narcotic drug and intentionally injecting, by means of a hypodermic syringe or hypodermic needle, all or any portion of that drug into the body of another person with the latter’s consent.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.50 Criminally using drug paraphernalia (2 nd degree).	<p>Knowingly possessing or selling:</p> <ol style="list-style-type: none"> diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or 	Class A misdemeanor: imprisonment up to one year.



	<p>3. scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant.</p>	
<p>§ 220.55 Criminally using drug paraphernalia (1st degree).</p>	<p>Committing the crime of criminally using drug paraphernalia in the second degree and having previously been convicted of criminally using drug paraphernalia in the 2nd degree.</p>	<p>Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.</p>
<p>§ 220.60 Criminal possession of precursors of controlled substances.</p>	<p>Possessing and at the same time intending to unlawfully manufacture:</p> <ol style="list-style-type: none"> 1. a controlled substance; or 2. carbamide (urea) and propanedioc and malonic acid or its derivatives; or 3. ergot or an ergot derivative and diethylamine or dimethyl-formamide or diethylamide; or 4. phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine; or 5. pentazocine and methyl iodide; or 6. phenylacetone nitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or 7. diethylphenylacetone nitrile and dimethylaminoisopropyl chloride; or 8. piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or 9. 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent. 	<p>Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>
<p>§ 220.65 Criminal sale of a prescription for a</p>	<p>When, being a practitioner, as that term is defined in §3302 of the NYS Public Health Law, knowingly and</p>	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a</p>



controlled substance.	unlawfully selling a prescription for a controlled substance.	2 nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
§ 220.70 Criminal possession of methamphetamine manufacturing material (2nd degree).	Possessing a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor, chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine.	Class A misdemeanor: imprisonment up to one year.
§ 220.71 Criminal possession of methamphetamine manufacturing material (1st degree).	Committing the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in § 220.70, and has previously been convicted within the preceding 5 years of criminal possession of methamphetamine manufacturing material in the 2 nd degree or a violation of this section.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.72 Criminal possession of precursors of methamphetamine.	Possessing at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.73 Unlawful manufacture of methamphetamine (3rd degree).	Possessing, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or one item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or a precursor: (a) mixed together with a chemical reagent or solvent; or (b) with two or more chemical reagents and/or solvents mixed together.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.



<p>§ 220.74 Unlawful manufacture of methamphetamine (2nd degree).</p>	<ol style="list-style-type: none"> 1. Commits violation of § 220.73 in the presence of another person under the age of 16, provided, however, that the actor is at least 5 years older than such other person under the age of 16; or 2. Commits violation of § 220.73 and has previously been convicted within the preceding 5 years of the offense of criminal possession of precursors of methamphetamine, criminal possession of methamphetamine manufacturing material in the 1st degree, unlawful disposal of methamphetamine laboratory material, unlawful manufacture of methamphetamine in the 3rd degree, the 2nd degree, or the 1st degree. 	<p>Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.</p>
<p>§ 220.75 Unlawful manufacture of methamphetamine (1st degree).</p>	<p>Commits the crime of unlawful manufacture of methamphetamine in the 2nd degree after having previously been convicted within the preceding 5 years of unlawful manufacture of methamphetamine in the 3rd degree unlawful manufacture of methamphetamine in the 2nd degree or unlawful manufacture of methamphetamine in the 1st degree.</p>	<p>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</p>
<p>§ 220.76 Unlawful disposal of methamphetamine laboratory material.</p>	<p>Knowingly disposing of, or possessing with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.</p>	<p>Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.</p>



Federal Law - Drugs:

Federal drug laws parallel New York State drug laws in many respects. It is a federal offense to manufacture, distribute, or possess with intent to distribute, a controlled substance or an imitation controlled substance. All property associated with the unlawful handling of controlled substances is subject to forfeit to federal authorities.

Federal Trafficking Penalties for Schedules I, II, III, IV, and V*		
*except Marijuana – see other table		
Schedule	Substance/Quantity	Penalty
II	Cocaine 500 – 4,999 grams mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>
II	Cocaine Base 28 – 279 grams mixture	
IV	Fentanyl 40 – 399 grams mixture	
I	Fentanyl Analogue 10-99 grams mixture	
I	Heroin 100 – 99 grams mixture	
I	LSD 1 – 9 grams mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	



II	Cocaine 5 kilograms or more mixture	<p>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 280 grams or more mixture	
IV	Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 100 grams or more mixture	
I	Heroin 1 kilogram or more mixture	
I	LSD 10 grams or more mixture	
II	Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 100 grams or more pure or 1 kilogram or more mixture	
<p>Information in the above chart is available at:</p> <p>Title 21 Code of Federal Regulations, Part 1308 – Schedules of Controlled Substances https://www.deadiversion.usdoj.gov/21cfr/cfr/2108cfrt.htm</p> <p>Subchapter 1 – Control and Enforcement, Part D. Offenses and Penalties https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html</p> <p>Information is also available at: https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm</p>		



Federal Trafficking Penalties for Schedules I, II, III, IV, and V (Cont)*	
*except Marijuana – see other table	
<u>Substance/Quantity</u>	<u>Penalty</u>
Any Amount Of Other Schedule I & II Substances	<p><u>First Offense:</u> Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Any Amount of Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<p><u>First Offense:</u> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than Flunitrazepam)	<p><u>First Offense:</u> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Flunitrazepam (Schedule IV) (Other than 1 gram or more)	<p><u>First Offense:</u> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>



<p>Any Amount Of All Schedule V Drugs</p>	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
<p>Information in the above chart is available at:</p> <p>Title 21 Code of Federal Regulations, Part 1308 – Schedules of Controlled Substances https://www.deadiversion.usdoj.gov/21cfr/cfr/2108cfrt.htm</p> <p>Subchapter 1 – Control and Enforcement, Part D. Offenses and Penalties https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html</p> <p>Information is also available at: https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm</p>	

<p align="center">Summary of Federal Marijuana Law</p>			
<p><u>Substance/Schedule</u></p>	<p><u>Quantity</u></p>	<p><u>1st Offense</u></p>	<p><u>2nd Offense</u></p>
<p>Marijuana (Schedule I)</p>	<p>1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants</p>	<p>Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life.</p> <p>Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p>	<p>Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana (Schedule I)</p>	<p>100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants</p>	<p>Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million</p>	<p>Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million</p>



Policy on Drugs & Alcohol

		if other than an individual.	if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		
<p>Information in the above chart is available at:</p> <p>Title 21 Code of Federal Regulations, Part 1308.11 – Schedules of Controlled Substances: Schedule 1 https://www.deadiversion.usdoj.gov/21cfr/cfr/1308/1308_11.htm</p> <p>Subchapter 1 – Control and Enforcement, Part D. Offenses and Penalties – Section 841. Prohibited acts A https://www.deadiversion.usdoj.gov/21cfr/21usc/841.htm</p> <p>Information is also available at: https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?fr=1308.11</p>			



New York State Alcohol Offenses and Penalties:

<p><u>NYS ABC Law</u> Special Provisions Relating to Liquor</p>	<p>Specifics</p>	<p>Sentence</p>
<p>§ 65-a. Procuring alcoholic beverages for persons under the age of 21 years</p>	<p>Any person who misrepresents the age of a person under the age of 21 years for inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person.</p>	<p>A fine of not more than \$200, or imprisonment up to five days, or both.</p>
<p>§ 65-b. Offense for one under age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.</p>	<p>No person under the age of 21 years shall present or offer to any licensee, or to the agent or employee of such licensee, any written evidence of age, which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage.</p>	<p>1st violation: a fine of not more than \$100 and/or up to 30 hours of community service. Also may order completion of an alcohol awareness program.</p> <p>2nd violation: a fine of \$50 to \$350 and/or up to 60 hours of community service. Also shall order completion of an alcohol awareness program if not previously completed.</p> <p>3rd and subsequent violations: a fine of \$50 to \$750 and/or up to 90 hours of community service, shall order evaluation by an appropriate agency to determine whether the person suffers from the disease of alcoholism or alcohol abuse. Payment for such evaluation shall be made by such person. If person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment.</p> <p>In addition to these penalties, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license: 1st violation: a three month suspension; 2nd violation: a six month suspension; 3rd or subsequent violation: a one year suspension or until the holder reaches the age of 21, whichever is the greater period.</p>



<p>§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years.</p>	<p>No person under the age of 21 years shall possess any alcoholic beverage with the intent to consume such beverage.</p>	<p>A fine up to \$50 and/or completion of an alcohol awareness program and/or up to 30 hours of community service.</p>
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IV. Health Risks

Westchester Community 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. Unwanted pregnancy, sexually transmitted infections, unwanted sexual activity, poor academic performance or failure, and 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.

Alcohol Health Risks:

The following information on health risks is from the Centers for Disease Control and Prevention:

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink.

The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason.

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; Cancer of the breast, mouth, throat, esophagus, liver, and colon; Learning and memory problems, including dementia and poor school performance; Mental health challenges, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment; Alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

The above is available at: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm> (last accessed Jan. 6, 2021) .



Marijuana Health Risks:

The following information on health risks is from the Centers for Disease Control and Prevention:

Marijuana is the most commonly used illegal drug in the United States, and marijuana use may have a wide range of health effects on the body and brain.

About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there).

Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

The above information is available at: <https://www.cdc.gov/marijuana/factsheets/teens.htm> (last accessed Jan. 6, 2021); <https://www.cdc.gov/marijuana/health-effects.html> (last accessed Jan. 6, 2021).

MDMA Health Risks:

The following information on health risks is from the National Institute on Drug Abuse:

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for “molecular”) often refers to the supposedly “pure” crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often actually get other drugs such as synthetic cathinones (“bath salts”) instead. Some people take MDMA in combination with other drugs such as alcohol or marijuana.



MDMA increases the activity of three brain chemicals:

- Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors. Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems
- Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA.

Other health effects include:

- Nausea
- Muscle cramping
- Involuntary teeth clenching
- Blurred vision
- Chills
- Sweating

MDMA's effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the course of the week following moderate use of the drug, a person may experience irritability, impulsiveness and aggression, depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. It's possible that some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana.

High doses of MDMA can affect the body's ability to regulate temperature. This can lead to a spike in body temperature that can occasionally result in liver, kidney, or heart failure or even death.

Information is available at: <https://www.drugabuse.gov/publications/drugfacts/mdma-ecstasymolly>

Prescription Opioids Health Risks:

The following information on health risks is from the National Institute on Drug Abuse:

Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused.

Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience.



In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slowed breathing. Opioid misuse can cause slowed breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed.

People addicted to an opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings.

An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death. When people overdose on an opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, which can result in coma, permanent brain damage, or death.

If you suspect someone has overdosed, the most important step to take is to call 911 so he or she can receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose when given right away. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

Information is available at: <https://www.drugabuse.gov/publications/drugfacts/prescription-opioids>

Specific Dangers from Drug Facilitated Sexual Assault Drugs:

The following information on health risks is from the National Institute on Drug Abuse:

There are three specific drugs that are commonly utilized in drug facilitated sexual assault: Rohypnol®, Ketamine, or GHB (Gamma Hydroxybutyric Acid).

Rohypnol®

Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it. The possible short term health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgement; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36-72 hours to leave the body.



GHB (Gamma Hydroxybutyric Acid)

GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly found as a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. At this point in time the long-time effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

Ketamine

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as a prescription for treatment resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion loss of memory; raised blood pressure, unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory.

If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.



V. Drug & Alcohol Counseling, Treatment & Rehabilitation Programs

Students:

WCC Department of Mental Health & Counseling Services

Student Center Room 190

(please enter through the Health Services Office)

914-606-7431

personalcounseling@sunywcc.edu

www.sunywcc.edu/personalcounseling

NYS Office of Alcoholism and Substance Abuse Services

<http://www.oasas.ny.gov>

Need help? Looking for a treatment provider or treatment facility? If you or someone you care about needs help contact 1-877-8-HOPENY (1-877-846-7369)

Substance Abuse and Mental Health Services Administration

www.samhsa.gov

Employees:

NYS Office of Alcoholism and Substance Abuse Services

<http://www.oasas.ny.gov>

Need help? Looking for a treatment provider or treatment facility? If you or someone you care about needs help contact 1-877-8-HOPENY (1-877-846-7369)

Employee Assistance Program (EAP)

<https://mentalhealth.westchestergov.com/>

914-995-6070

Substance Abuse and Mental Health Services Administration

www.samhsa.gov

Additional Resources & Hotlines

- Start Your Recovery, StartYourRecovery.org
- CAGE Questionnaire, A Screening Test for Alcohol Dependence, <https://counsellingresource.com/quizzes/drug-testing/alcohol-cage/>
- College Drinking- Changing the Culture, <https://www.collegedrinkingprevention.gov/>
- National Institute on Alcohol Abuse and Alcoholism, <https://www.niaaa.nih.gov/alcohol-health>
- National Helpline for Substance Abuse Referral Services 1-866-684-6303
- NYS AIDS Hotline 1-800-541-AIDS (2437), en espanol 1-800-344-7432



- NYS AIDS Counseling & Testing (free and anonymous) 1-800-828-0064
- NYS Alcohol and Substance Abuse Hotline 1-800-522-5353
- National Clearinghouse for Alcohol and Drug Info 1-800-SAY-NO-TO (729-6686)
- Referral Services 1-877-726-4727
- Poison Control Info 1-800-336-6997
- [Alcohol Use and Your Health: A CDC publication](#)



VI. Disciplinary Sanctions

Campus administrators, particularly those within Student Life (for students) and Human Resources (for employees) are ultimately responsible for enforcing the standard of conduct (see Section II of this document). This responsibility is shared with Campus Security, Health Services, and students.

Students:

Compliance with the provisions of Westchester Community College's Policy on Drugs & Alcohol is a condition of attendance at Westchester Community College. Violators of this policy are subject to discipline as specified under the judicial procedures in the [Student Code of Conduct](#). Sanctions can range from a written warning up to and including expulsion from Westchester Community College. Sanctions may also include corrective action(s) as specified in the [Student Code of Conduct](#), including satisfactory completion of an approved drug or alcohol rehabilitation or assessment program. Students found in violation of this policy may also be referred to appropriate law enforcement agencies.

Good Samaritan Policy (Students): Good Samaritans are individuals who summon aid in instances in which abuse of alcohol and other drugs has created a potentially life-threatening situation, requiring an immediate response from emergency services personnel. In all instances, Westchester Community College's primary concern is that those in need receive prompt medical attention. A Good Samaritan, acting in good faith to summon aid in instances in which abuse of alcohol and other drugs has created a potentially life-threatening situation, requiring an immediate response from emergency services personnel, will not be subject to Westchester Community College's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the request for aid.

Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence

Cases: The health and safety of every student at Westchester Community College is of utmost importance. Westchester Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Westchester Community College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a Reporting Individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Westchester Community College's officials or law enforcement will not be subject to Westchester Community College's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. (Section 6442 Education Law Article 129-B).



Employees:

Compliance with the provisions of Westchester Community College's drug and alcohol policies is a condition of employment. Violators are subject to discipline, up to and including termination of employment and/or discipline, under the various negotiated agreements, or corrective action(s) as Westchester Community College deems appropriate, including satisfactory completion of an approved drug or alcohol rehabilitation program. Employees found in violation of this policy may also be referred to appropriate law enforcement agencies.

NOTE: Disciplinary sanctions that apply to faculty and staff may differ from one another depending on the terms set forth in collective bargaining agreements.

NOTE: Student workers fall under both the student and employee sections above.



VII. Definitions

- **Campus or College property:** all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, either solely or in conjunction with another entity.
- **Controlled Substance or Drug:** as defined in schedule I, II, III, IV, or V of part B of title 21 USCS Section 812 of the Federal Controlled Substances Act.
- **Employee:** any individual employed by Westchester Community College. This includes permanent, temporary, full-time, part-time, hourly, provisional or any other person who is on the payroll of the College in any capacity.
- **Student:** any person, regardless of age, admitted, registered, enrolled, or attending any College course or College conducted program; any person admitted to the College who is on College premises or College-related premises for any purpose pertaining to their registration or enrollment.
- **Student Code of Conduct:** the written policies adopted by the institution governing student behavior, rights, and responsibilities and the process by which violations are adjudicated and sanctioned.