



**Daemen College
Biennial Review of
Alcohol and Other Drugs
(AOD) | 2016-2018**

Daemen College Biennial Review of Alcohol and Other Drugs (AOD) on Campus Academic Years: 2016-2017 and 2017-2018

Purpose

In accordance with requirements set forth by the U.S. Department of Education Regulations implementing the Drug-Free Schools and Communities Act Amendments of 1989, the Daemen College Division of Student Affairs, under the direction of Daemen College's Vice President for Student Affairs & Strategic Initiatives, is responsible for preparing and distributing the Biennial Review of Alcohol and Other Drugs (AOD) report. This report is a review of current efforts including policy and regulations to prevent the illegal use of AOD for the 2016-2018 academic years. The following departments contributed to this report: Health & Insurance Services, Counseling Services, Residence Life, Campus Safety, Athletics and the Office of Employee Engagement. Furthermore, this report is broken up into Part 1: Students and Part 2: Employees.

Part 1: Daemen College Students, AOD Review

Daemen College Student AOD Policy Statement

To ensure the safety and wellbeing of students at Daemen College, the institution upholds the Daemen College Drug and Alcohol Abuse Prevention Policy. It reads, "Daemen College endeavors to establish for its students, faculty and staff an environment in which the misuse of alcohol and drugs is minimized, which encourages moderation, safety and personal accountability, and which provides an atmosphere free of coercion and peer pressure to abuse alcohol or use illegal drugs. The College strongly believes and encourages the use of treatment and educational programs as the most effective means to reduce and prevent substance abuse of any kind. All members of the Daemen community should exercise sound judgment and be mindful of their personal health, safety and well-being, as well as that of their friends and guests, by observing all laws regulating drug and alcohol and the College rules expressed in this Policy and elsewhere in this Handbook."

General Campus Policies

Alcohol. Daemen College allows students who comply with the New York State minimum drinking age of 21 years of age to consume alcohol as a privilege, but not as a right, and within specified guidelines and limitations, at certain College events, as determined by the Director of Student Activities. These events are generally limited to those where a significant number of students over the age of 21 are anticipated to attend. The College expects that students who choose to consume alcohol will do so responsibly. Individuals or groups who conduct themselves in a disorderly manner, destroy property, or infringe upon the rights of others are accountable for their behavior and will be subject to campus disciplinary action and/or appropriate civil or criminal actions. In other words, drunkenness is a problem, not an excuse for one. These policies and regulations apply to all members of the College community and their invited guests. A full list of regulations can be found in the Appendix, Part I.

Drugs. Members of the College community who violate these policies will be subject to discipline via the Student Code of Conduct. Taking into account the circumstances of each

case, sanctions for students may range from warnings to expulsion from the College, and sanctions for faculty and staff members may range from warnings to termination. At the discretion of the College, 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 counseling or rehabilitation program. Records of such discipline may be maintained in a student's record or an employee's personnel file. Enforcement of these sanctions will be through the College's existing disciplinary procedures for students, faculty, and staff, as appropriate. The College reserves the right to require that a student participate in random drug testing, at their own expense, as part of a sanction for being found responsible for a violation of this drug policy and/or if there is reasonable evidence to suggest illegal drug use/abuse.

Smoking. Daemen College is a Tobacco Free Campus and therefore, smoking is prohibited at all times on campus grounds. Campus grounds include all Daemen owned property including the Academic and Wellness Center, and property along Getzville Road and Campus Drive, as well as all residence hall rooms, apartments, and common areas. State law and local fire ordinances prohibit smoking in all areas of public buildings. Any used cigarettes, ashtrays, smoking paraphernalia, 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.

Amnesty Policy. The health and safety of every student at the College is of utmost importance. Daemen 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. Daemen 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 Institution's officials or law enforcement will not be subject to the Student 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.

Residential Student Policies

Alcohol. The use of alcohol in the residence halls will be subject to state and federal laws and Daemen College Policy. Responsible use of alcohol by students 21 years of age and older is permitted only according to college regulations. In accordance with New York State law students under the age of 21 may not possess, sell, or consume alcoholic beverages. Generally, except in matters outlined under the College Amnesty Policy (see Section 5), the college follows a zero-tolerance policy in these matters. This means that every reported incident will be formally addressed through the conduct review system. (Please note: General policy information regarding drugs and alcohol are covered in Section 5, Campus Policies). The following guidelines pertain to students who are of legal

drinking age. The College also expects all visitors and guests to comply with the regulations set forth. A full list can be found in the Appendix, Part II.

Policy Enforcement

Standards of Conduct. The unlawful possession, use or distribution of alcohol and illegal drugs by students and employees on college property or while engaged in College activities off the College campus is prohibited. While the College permits the lawful use of alcohol by students and guests on campus in accordance with the College alcohol policy (see following section), any abuse of this privilege will be subject to College disciplinary action and/or appropriate criminal sanctions.

Institutional Sanctions. Members of the College community who violate these policies will be subject to discipline via the Student Code of Conduct. Taking into account the circumstances of each case, sanctions for students may range from warnings to expulsion from the College, and sanctions for faculty and staff members may range from warnings to termination. At the discretion of the College, 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 counseling or rehabilitation program. Records of such discipline may be maintained in a student's record or an employee's personnel file. Enforcement of these sanctions will be through the College's existing disciplinary procedures for students, faculty, and staff, as appropriate. The College reserves the right to require that a student participate in random drug testing, at their own expense, as part of a sanction for being found responsible for a violation of this drug policy and/or if there is reasonable evidence to suggest illegal drug use/abuse. In recognition that no two circumstances are identical, the College provides tables that outline guideline for sanctions for standard violations. Actual sanctions may vary based on the situation and nature of the infraction. A list of sanctions, level 1-3 can be found in the Appendix, Part III.

Legal Sanctions under New York State Law (full list in the Appendix, Part IV-V).

AOD Campus Statistics

The Daemen College Division of Student Affairs prepares and distributes the Annual Security and Fire Safety Report (ASR) under the direction of the Clery Coordinator, Daemen College's Vice President for Student Affairs and Strategic Initiatives. The ASR outlines AOD violations, definitions and statistics.

Liquor Law Violations. Defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

Drug Law Violations. Defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

AOD Campus Statistics.

Table 1: Daemen College AOD Crime Statistics				
Alcohol Offense	Year	On Campus	Off Campus	Public Property
Alcohol Referral	2016	97	0	24
Alcohol Referral	2017	121	0	0
Alcohol Referral	2018*	50	0	0
Alcohol Arrest	2016	0	0	0
Alcohol Arrest	2017	0	0	0
Alcohol Arrest	2018*	0	0	0
Drug Offense	Year	On Campus	Off Campus	Public Property
Drug Referral	2016	44	0	3
Drug Referral	2017	31	0	0
Drug Referral	2018*	33	0	0
Drug Arrest	2016	0	0	0
Drug Arrest	2017	0	0	0
Drug Arrest	2018*	0	0	0

*Data included from 2018 up to December 20, 2018. For a complete list please refer to the Daemen College Annual security and Fire Report.

Table 2: Residence Life Violations & Sanctions		
Policy Violations	2016-2017	2017-2018
Drug Paraphernalia	9	6
Drug Possession	13	6
Alcohol Distribution	2	0
Alcohol Paraphernalia	12	23
Alcohol Violation	62	64
Sanctions	2016-2017	2017-2018
Drug Testing	7	0
Drug & Alcohol Assessment	1	0
Education Sanction related to drugs/alcohol	28	9

Table 3: Counseling Services, Substance Use Data		
Self-report and/or Professional Assessment	2016-2017 (n = 794 sessions)	2017-2018 (n = 869 sessions)
Student presented with substance use or abuse	9%	11%
Online screenings consistent with “hazardous or harmful alcohol use”	3	2
Consistent for “alcohol dependence”	N/A	2
Completed a screening consistent with “moderate substance use”	1	2

Prevention & Programming Efforts

Online Courses

All entering students (first-time, first-year, transfers, and graduate students) are required to complete online courses that address substance use and sexual assault prevention. Formerly, Think About It, AlcoholEDU and SexualAssaultPrevention by EverFi were utilized for incoming students during Summer/Fall 2018. The courses feature readings, vignettes, videos, and interactive components to educate students on policies, acceptable behavior, and effective strategies for intervention. If students fail to complete the courses, they are fined \$25 per course and the charge is added to their student bill. For the Fall 2018, the returning student athletes also completed this course to be in NCAA compliant.

Future Planning: 2018-2020. There are additional courses and booster options available that the Health & Insurance Services Office will be reviewing. If the athletics department partners with the Division of Student Affairs to offer and track participation in these courses, it would be beneficial to explore the option of booster courses that provide supplemental information in a new, engaging format for continued learners.

Bystander Intervention Training

Prior to the start of each fall semester, in partnership with Crisis Services of Buffalo, Daemen College conducts 90 min Bystander Intervention Training sessions with all student leaders, including: NCAA Division II athletes, Resident Assistants, Orientation Leaders, Fraternity and Sorority members, Tour Guides, and Peer Mentors.

Future Planning: 2018-2020. There are currently two training options available for first year and returning students to attend. In Spring 2019, Crisis Services and Daemen College plan to roll out a third training session that will take on a case study approach. In this session, students will watch a film and then work through the scenario in small groups. There has also been conversation around involving fourth and fifth year student to act as leaders and assist facilitators implement and run the training for other students. The Coordinator for Health & Wellness Education will also act as the liaison between Crisis Services and departments on campus to find more efficient processes for tracking participation in addition to improving adherence.

NCAA CHOICES Grant

During the 2018 academic year, Daemen College was a recipient of the NCAA CHOICES Alcohol Education Grant Program. The purpose of the Daemen CHOICES program is to

provide the Daemen student body with the skills, knowledge, and support necessary to make informed healthy choices about their use of alcohol. Daemen CHOICES is designed as a comprehensive approach with a system of support that includes students, staff, and faculty. All students will be exposed to the Daemen CHOICES message through an on campus media campaign which will reduce misperceptions of alcohol and other drug use and increase healthy protective behaviors of Daemen students. Additionally, all students will have access to CHOICES sponsored events and activities that provide substance-free choices for socializing. Daemen student athlete leaders will help develop and present a substance use and athletic performance module to athlete peers as a part of the Be The Best You program. Health promotion and alcohol education materials developed for the campus wide awareness campaign will also be provided to students as part of their orientation to Daemen College. The work of the CHOICES program is supported by a student campus programming board. The student-run board will serve as Daemen's principal organization for student event planning and campus programming.

Wildcat Wellness Committee

During Fall 2018, the Student Wellness Action Group (SWAG) was restructured to increase student-driven wellness initiatives. Active recruitment in the Fall and resulted in the recruitment of 10 students to provide essential guidance and perspective on wellness topics most relevant to college students. On the newly restructured committee, faculty, staff and administrators from influential disciplines such as public health, health sciences, psychology, social work and student affairs were also recruited to provide additional guidance and support to the student members. As decided by the students, the name of the group changed from SWAG to Wildcat Wellness Committee. During the Fall 2018 semester, students worked with the Coordinator for Health & Wellness Education to begin planning details of the substance use prevention campaign to roll out the media campaign and programmatic activities starting Spring 2019.

Future Planning: 2018-2020. During the Spring 2019, the Coordinator for Health & Wellness Education will attend the NCAA CHOICES Grantee Dinner in Washington, D.C. The dinner, held in conjunction with the 2019 NASPA Strategies Conference, will provide NCAA CHOICES grantees with a structured opportunity to meet fellow award winners and to discuss and brainstorm ideas and solutions related to their substance use prevention projects. Furthermore, the Coordinator for Health & Wellness Education, Student Athlete Success and Community Engagement Coordinator and four students that were interviewed and selected by the aforementioned staff will be attending the APPLE Training Institute. APPLE Institute, an annual three-day national training institute for student-athletes, athletics administrators and campus partners dedicated to substance abuse prevention and health promotion. Over the course of a weekend, campus leaders, student-athletes, and administrators create an institution-specific action plan to prevent substance abuse and promote health and wellness. The goal of this conference is to assist colleges in applying the comprehensive APPLE model to their campus environment. The students & administrators from Daemen College who attend the APPLE Institute will be provided with additional resources, education and an action plan to contribute to the implementation and evaluation of a campus-wide substance use prevention campaign that will be phased in during years 2018-2021

Residence Life

Resident Assistants (RAs) are students who tend to the needs of residents, providing support, enforcing college policies, assisting first year students in the transition to college life and providing referrals to on- and off-campus resources as necessary. Furthermore, RAs are charged with creating community among resident floor(s) or apartment building(s) and assisting with the personal, social and academic development of residents. RAs plan and implement monthly programs and bulletin boards that align with the programming model set forth by the Office of Residence Life. The Residence Life Professional Staff provides educational and professional development opportunities to the Resident Assistants (RAs). Such trainings are detailed below.

Table 4: Residence Life Substance Use Training				
Trainings	Fall 2016	Spring 2017	Fall 2017	Spring 2018
The Student Code of Conduct	x	x	x	x
Emergency Response	x	N/A	x	N/A
Situation Training	x	x	x	x
How to handle alcohol and drug emergency situations	x	x	x	x

The RAs planned and implemented various educational bulletin boards throughout the resident halls and engage residents in monthly programming. Some of the relevant programs from 2016-2018 included: Drunk Driving RA Program, Drunk Darts, Re-Think What You Drink, What Are You Drinking and Mocktail Night.

Future Planning: 2018-2020. Residence Life and Health & Insurance Services plan to collaborate on future training and educational workshops to provide RAs with the knowledge and skills to provide engaging, educational opportunities for their residents.

Counseling Services

Daemen's counseling services consists of a group of professionally licensed mental health professionals who are committed to respond to the mental health needs of students in a compassionate, competent, and confidential manner. Counseling Services offers individual counseling, consultation & off campus referrals and linkages for substance use. On staff, two full time and two part time, per diem counselors provide assistants to students. Counseling Services also offers an online screening tool for Substance Abuse that students can access 24/7 and receive assessment results and follow up resources: <http://daemen.edu/mentalhealthscreening>.

Athletics

Daemen College is a member of the National Collegiate Athletic Association (NCAA) Division II member, competing as a member of the East Coast Conference. There are 16 teams that compete during the academic year, 9 women's and 7 men's teams.

Drug Testing. The Institutional Drug Education and Testing Program Policy is intended to foster a drug-free environment for all participating intercollegiate student-athletes at

Daemen College. The NCAA drug-testing program, along with clear policies and effective education, protects student-athletes who play by the rules by playing clean. The purpose of the drug-testing program is to deter student-athletes from using performance-enhancing drugs, and it impacts the eligibility of student-athletes who try to cheat by using banned substances. The NCAA tests for steroids, peptide hormones and masking agents year-round and also tests for stimulants and recreational drugs during championships. Member schools also may test for these substances as part of their athletics department drug-deterrence programs. Additional information is available at: <http://www.ncaa.org/sport-science-institute/ncaa-drug-testing-program>

Drug Education Program. At the beginning of each academic year (or a preseason team meeting) and at the beginning of the second semester (for new student-athletes), the Director of Sports Medicine or designee will give a presentation to explain the Institutional Drug Education and Testing Program Policy to student-athletes and Athletics Department personnel. A copy of the policy will be provided to each student-athlete and they will be asked to sign a consent form acknowledging receipt of the policy, their responsibility as a student-athlete to adhere to the policy and their agreement to participate in the testing program.

Future Planning: 2018-2020. With additional funding from the NCAA CHOICES Grant, the Student Athlete Success and Community Engagement Coordinator, sports medicine team and Campus Activities Team (CAT) Health Liaisons will enhance the existing program model on substance use prevention.

Part 2: Daemen College Employees AOD Review

The Office of Employee Engagement supports the goals of the college by providing high quality customer service to both on and off campus constituencies, including but not limited to employees and applicants. In doing so, the Office of Employee Engagement has implemented and enforces policies as it relates to substance use prevention.

Drug Free Workplace

It is the policy of Daemen College that the unlawful manufacture, distribution, possession, sale or use of controlled substances by an employee of the College is strictly prohibited and that anyone found in violation of this policy will be subject to disciplinary action up to and including termination. To comply with the requirement that the College, as a U.S. Government contractor, provide a drug free workplace a full list of directions can be found in the Appendix, Part VI.

Policy Enforcement. Tenured and untenured faculty, whether full-time or part time, may be disciplined, including such sanctions as suspension or termination at any time during the employment term for cause which shall include, but not be limited to, any of the following:

1. For consistently failing to meet responsibilities as a faculty member as set forth in Article VIII;
2. Willful dishonesty, including, but not limited to, theft, academic dishonesty, research misconduct, plagiarism or forgery;

3. The actual or attempted use, sale, distribution, or possession of an illegal drug at any time;
4. Physical abuse or threat of abuse of another member of the College;
5. A violation of the College's policy prohibiting sexual harassment;
6. The commission of an act which constitutes a crime under Federal or State law;
7. For serious violations of professional ethics.

For more information on policy enforcement, visit: <https://www.daemen.edu/about/working-daemen/employee-policies>

Tobacco Free Campus

Daemen College is committed to providing a healthy and safe work and educational environment. Out of respect for employees, students, visitors and the surrounding community. Daemen maintains a 100% tobacco-free environment as instituted in September, 2016. Erie County ordinances prohibit smoking in any College building. These restrictions also include the faculty and staff lounges and all work areas including administrative offices. The decision to implement the tobacco-free policy followed extensive research, feedback, and discussions by the college's Tobacco-Free Task Force as a joint effort between the Division of Student Affairs and the Office of Employee Engagement. This policy applies to all members of the Daemen College community, including but not limited to, faculty, staff and administrators, students, volunteers, consultants, supplemental staff employed through contract agencies, vendors, guests and visitors. The principal purpose of this policy is to positively impact the health of the College's employees and students. To this end, Daemen College is committed to providing opportunities for individuals to address their tobacco usage. Employees are encouraged to contact Human Resources for additional support and referral to cessation resources. Similarly, students are encouraged to contact the office of Health and Insurance Services for assistance

Policy Enforcement. Recognizing the addictive nature of tobacco use, policy non-compliance will first prompt referral to the appropriate office, as noted above, for support and assistance with cessation. Repeated non-compliance will result in referral to the associated employee or student conduct system and may result in disciplinary action.

Employee Assistance

All employees have access to the Confidential Employee Assistance Program, WorkLifeMatters through a partnership with Guardian Insurance. Related to drugs and alcohol, Daemen College employees have the following benefits provided:

1. Unlimited access to consult with a professional counselor via telephone.
2. Face-to-face counseling sessions are available, if needed, with an IBH network provider - and up to three sessions are free of charge as part of WorkLifeMattersSM.
3. For legal and financial topics, you are eligible to receive a free initial 30-minute office or telephone consultation with an attorney or seasoned financial professional and certified public accountant (CPA). Local referrals are available for more complex legal or financial issues for a fee.
4. A variety of training resources — webinars, video and PowerPoint presentations — are also available to help you manage your quality of life.

Appendix

I. General Campus Alcohol Regulations

- a. All alcoholic beverages are to be provided by Daemen College Dining Service at all events approved for alcohol service.
- b. All student social functions involving alcohol are usually limited to members of the Daemen College community and their escorted guests. Students are liable for the actions of their guests. The Director of Student Activities will generally refuse alcohol requests for events where unescorted visitors may be expected. The Director may refuse entry of any person to any College event.
- c. Alcohol abuse will not be tolerated. Alcohol may not be offered as a prize or reward, or consumed in contests. Social participants are allowed to purchase no more than one alcoholic drink at a time (or at the discretion of the Director of Student Activities).
- d. Food Service bartenders, security officers, group moderators, the Director of Student Activities, and the Vice President for Student Affairs and Dean of Students have authority to refuse the purchase of alcohol by any person who appears to be intoxicated or troublesome and that person may be required to leave a social event.
- e. Aside from the specifications permitting alcohol at certain student activities, and the guidelines for alcohol permitted in the residence halls listed in this Student Handbook, alcohol cannot be consumed on campus grounds or in private automobiles while on campus grounds.
- f. Daemen College recognized student organizations are not permitted to host events on campus or off campus where the primary focus is the consumption of alcohol. This typically refers to bar parties or fundraisers where persons pay a cover charge and alcoholic beverages are provided free or at a reduced fee. The intent of this policy is prevent and discourage events that promote alcohol abuse (binge drinking, underage drinking, DWI) and to reduce the risk of liability faced by student organizations and their officers when holding these types of events.

II. Residential Alcohol Regulations

- a. Any resident bringing visitors/guests to campus shall be responsible for making the alcohol policies known to their visitors/guests. Every visitor/guest is subject to college rules and regulations. It is the responsibility of residents as hosts to monitor and accept responsibility for the behavior of their visitors/guests.
- b. Alcohol is not permitted in Canavan Hall, including those students who are over the age of 21.
- c. Alcohol is not permitted in any apartment/suite where no students over the age of 21 reside.
- d. Students over the age of 21 are responsible for keeping alcohol out of the hands of minors.
- e. Kegs, taps, beer balls, and other common sources of alcohol, are not permitted. The possession of any implement which can be used to irresponsibly ingest alcohol is

prohibited. This includes, but is not limited to, funnels, beer/water bongs, etc. Drinking games and drinking game devices, (e.g. beer pong tables), are also not permitted.

- f. Students who are of legal drinking age and who are in the possession of alcohol, or present where alcohol is being consumed, must provide proof of age when asked by any college official including Resident Assistants. If proof of age is not provided, students will be asked to dispose of the alcohol and follow-up will occur via the College’s Code of Conduct.
- g. Underage students may not be in the presence of alcoholic beverages. The only exception is an underage resident who lives with students of legal drinking age, may be in the presence of alcohol in his/her assigned apartment. The underage person may not consume or possess alcohol. Once guests (anyone not residing in said apartment) over the age of 21 enter an apartment where alcohol is present, NO students under the age of 21 (including residents of that apartment) may be present.
- h. The amount of alcohol permitted by each resident over the age of 21 in an apartment is 1 liter of spirits or wine, or a 6 pack of beer. Visitors/Guests of residents are not permitted to bring alcohol onto campus.
- i. Alcoholic containers may not be used as decorations. Empty cans or bottles will be deemed as proof of consumption. Students over the age of 21 should dispose of or recycle containers immediately after consumption.
- j. In the event that there is an alcohol policy violation, it is not the college’s responsibility to determine who was consuming alcohol and who was not. It will be assumed that anyone involved in the incident was engaging in the policy violation.
- k. Public intoxication is considered an alcohol policy violation. Actions as a result of public intoxication which disturb any people, facilities, community, and/or self will be dealt with through the appropriate authorities.

III. Student Sanctions

a. First Violation

Violation	Hearing Type	Probation	Fine	Warning	Parent Notified	Educational Sanctions	RA Assignment	No Contact Order	Drug Test	Program Suspension	Res. Change	Residential Community	Loss of Privileges (Dining, etc.)	Separation (College)	Expulsion
Alcohol (Paraphernalia, Presence)	AD	One (1) Semester	\$25*	*	X*	*									
Alcohol (Possession, Use, Dist.)	AD	One (1) Semester*	\$50*	X	*	*									
Defenestration	AD	One (1) Semester		*						X	*	*			
Drug: Marijuana (Paraphernalia, Presence)	AD	Two (2) Semesters	\$50	X	X			*					*		
Drug: Marijuana (Possession, Use, Dist.)	AD CSB	Two (2) Semesters	\$100*	X	X	X		*	*				*	*	*
Drug: Other (Possession, Use)	AD CSB	Two (2) Semesters*	\$100*	X	X	X		X					X	*	
Drug: Other (Sale, Distribution)	CSB		\$100*	X				X	X				X	X	*
Fire Safety	AD CSB	One (1) Semester	\$250					*	*	X	*	*	*	*	*
Lying	AD CSB	One (1) Semester	\$25								*	*			
Noise Violation	AD			X						*					
Guest Policy	AD	One (1) Semester*		*		*						*			
Pets	AD	One (1) Semester	\$25 p/d										*		
Sexual Harassment	CSB				X		X	X			*	X	X	X	X
Sexual Assault	CSB				X		X	X			*	X	X	X	X
Stalking	CSB/AD			*	*	*	X	X			*	*	*	*	*
Smoking	AD	One (1) Semester	\$100								*				
Theft	AD CSB	Two (2) Semesters*					*	*			X	*	*	*	X
Unauthorized Access	AD	One (1) Semester	\$25					*	*	*	*				
Vandalism	AD	Two (2) Semesters						*	*	X	*	*			
Violence/Fighting	AD CSB	Two (2) Semesters					X	*	*	X	*	*	*	*	*
Weapons	AD CSB	Two (2) Semesters*					*	*	*	*	*	*	*	*	*

b. Second Violation

Violation	Hearing Type	Probation	Fine	Parents Notified	Educational Sanction	D/A Assessment	No Contact Order	Drug Test	Persons Non Grn	Res Change	Restitution/CommServ	Loss of Privileges	Suspension (Housing)	Suspension (College)	Expulsion
Alcohol (Paraphernalia, Presence)	AD	Two (2) Semesters	\$50	X*	X					*	X	*			
Alcohol (Possession, Use, Dist.)	AD	Two (2) Semesters	\$100	X	X	X					X		*		
Defenestration	AD	One (1) Semester								X	X	*	*		
Drug: Marijuana (Possession, Use)	AD	Two (2) Semesters	\$100	X		X		X		X	*	*	X	X	X
Drug: Marijuana (Paraphernalia, Presence)	AD/CSB	Two (2) Semesters	\$150*												
Drug: Other (Possession, Use)	CSB	Two (2) Semesters*	\$200*	X		X		X		X			X	X	X
Drug: Other (Sale, Distribution)	CSB		\$200*												
Fire Safety	AD/CSB	Two (2) Semesters	\$500	X							X		X		
Lying	AD/CSB	Two (2) Semesters	\$50									*	*	*	
Noise Violation	AD	One (1) Semester	\$25							*		*			
Guest Policy	AD	One (1) Semester								*		X	*		
Pets	AD	One (1) Semester	\$25 p/d							*		X	X		
Stalking	CSB/AD						X		X			X	X	X	*
Smoking	AD	Two (2) Semesters	\$150	X											
Theft	AD/CSB	Two (2) Semesters	\$100					*	*		X	X	X	*	*
Unauthorized Access	AD	One (1) Semester	\$50								X	X	*		
Vandalism	AD	Two (2) Semesters	\$100								X	X	X		
Violence/Fighting	AD/CSB	Two (2) Semesters					X		*		X	X	X	*	*
Weapons	AD/CSB	Two (2) Semesters					*	*			X	X	X	*	*

c. Third Violation

Violation	Hearing Type	Probation	Fine	Parents Notified	Educational Sanction	D/A Assessment	No Contact Order	Drug Test	Persons Non Grn	Res Change	Restitution/CommServ	Loss of Privileges	Suspension (Housing)	Suspension (College)	Expulsion
Alcohol (Paraphernalia, Presence)	AD	Two (2) Semesters	\$100	X								X	X		
Alcohol (Possession, Use)	AD/CSB	Two (2) Semesters	\$150	X						X			X	X	
Defenestration	AD	One (1) Semester	\$100						X		X	X	X		
Fire Safety	AD														X
Lying	AD/CSB											X	X	X	
Noise Violation	AD	One (1) Semester	\$50							X		X	X		
Guest Policy	AD	Two (2) Semesters	\$50									X	X		
Smoking	AD	Two (2) Semesters	\$200	X									X	*	
Unauthorized Access	AD	Two (2) Semesters	\$100							X		X	X	*	
Vandalism	AD	Two (2) Semesters	\$150							X	X	X		X	*
Violence/Fighting	CSB						X			X				X	*
Weapons	CSB									X				X	X

IV. Legal Sanctions under New York State Law

- a. To provide alcohol to persons under the age of 21 or to persons who are visibly intoxicated. Providing alcohol to persons under the age of 21 is a Class A misdemeanor which is punishable by imprisonment for up to one year, a fine of not more than \$1,000 and/or three years probation;
- b. To misrepresent the age of a person under the age of 21 for the purpose of inducing a sale of alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both fine and imprisonment;

- c. For a person under the age of 21 to possess alcohol with the intent to consume it. Those found guilty of violating this law shall be punished by a fine of not more than \$50 and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service;
- d. For any person under the age of 21 to present or offer any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$100, and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service. Additionally, if it is found that a New York State driver's license was the written evidence of age used for the purpose of the purchase or attempted purchase, the person's license to drive a motor vehicle may be suspended for 90 days. Lastly, alteration of the required forms of identification (driver's license, passport or armed forces ID card) may constitute "possession of a forged instrument...with intent to defraud," which is a Class D felony under New York State penal law.

V. Legal Consequences of Operating a Vehicle While Under the Influence of Alcohol or Drugs

- a. Operating a Motor Vehicle After Consuming Alcohol While Under Age 21. Any person under age 21 who operates a motor vehicle after having consumed alcohol, as determined by a blood-alcohol content of at least .02%, may be referred to the Department of Motor Vehicles for license suspension or revocation, and a \$125 charge. V&T Law § 1192-a.
- b. Driving While Ability Impaired (DWAI) (more than .05% but less than .08% Blood Alcohol Content (B.A.C.) First violation (Traffic Infraction): Mandatory \$300-\$500 fine; and/or imprisonment up to 15 days; mandatory 90 day license revocation. Subsequent violations increase the fine, possible imprisonment and length of revocation.
- c. Driving While Intoxicated (DWI) (.08% B.A.C. or higher or while impaired by the use of a drug) 1st Violation (Misdemeanor): Mandatory \$500-\$1,000 fine and/or 1 year imprisonment; Mandatory 6-month minimum license revocation. Two violations within 10 years can result in jail for up to 4 years and a 1 year revocation of your license to drive. If there is personal injury, a possible lifetime revocation can result.
- d. If you are under the age of 21 and charged with DWAI, or DWI, and you are convicted of such charges, your license will be revoked for a minimum of one year. If you drive while your license is suspended or revoked, or if you refuse a chemical test, you face a mandatory jail term of 7–180 days and a mandatory fine of \$500–\$1,000.

VI. Drug Free Workplace

- a. That any employee of the College who will be employed pursuant to any U.S. Government contract or grant will be advised of this policy and be required to attend the College's drug free awareness program. At a minimum, this program will inform employees of:
 - i. The dangers of drug abuse in the workplace;

- ii. The College's policy of maintaining a drug free workplace;
 - iii. The availability of drug counseling rehabilitation and employee assistance program; and
- b. That an employee who violates the above policy will be subject to immediate termination.
- c. That any employee convicted of a controlled substance related violation in the workplace, including pleas of no contest, must inform the HR Director within five (5) days of this conviction or plea. Moreover, any employee who is so convicted shall be subject to disciplinary action up to and including termination.
- d. That each employee who is employed pursuant to a Government contract or grant shall be given a copy of the Employee Notification of Daemen College's Policy on a Drug Free Workplace and that a signed copy of the notification form shall be maintained in the employee's personnel file.
- e. It is the responsibility of all employees of Daemen College to use their best efforts to continue to maintain a drug free workplace.
- f. It is a condition of your employment with Daemen College that you abide by the above policy

*Submitted by: Ashley Breth, MPH, CHES
Coordinator for Health & Wellness Education,
Health & Insurance Services Office
December 2018*