



Policy Name:	Policy on Drugs and Alcohol		
Associated Form(s):	N/A	Policy Number:	2021-14
Reviewed:	Non-Academic Policy Review Committee	Approved:	August 25, 2021
Approval Authority:	President <i>Timothy L. Hall</i>	Adopted:	September 24, 2021
Responsible Executive(s):	1. Vice President for Finance 2. Vice President for Student Affairs	Revised:	N/A
Responsible Office(s):	1. Office of Human Resources 2. Office of Student Affairs	Contact(s):	1. Associate Director of Human Resources 2. Associate Dean of Students

I. Policy Statement

Mercy University is committed to providing a safe, healthy, and productive educational and work environment for its students and employees. In furtherance of this goal and in keeping with the requirements of the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, all students and employees are required to abide by the Mercy University Drug and Alcohol Policy. Individuals who violate this policy are subject to disciplinary sanctions including suspension and expulsion for students, and discharge for employees. Recognizing that drug and alcohol abuse are serious health concerns, this policy includes support resources for students and employees.

II. Distribution of this Policy

All students are provided with a copy of this policy in the Student Handbook for each academic year. Students with questions regarding this policy, its administration, or issues related to drug or alcohol use should raise their concerns with the Office of Community Standards and Conduct without fear of reprisal at (914) 888-5173.

All employees are provided with a copy of this policy upon hire for signature indicating their acknowledgement of having received, read and understood the policy. A copy of this policy is in the Employee Handbook, is sent to all employees on an annual basis. Employees with questions regarding this policy, its administration, or issues related to drug or alcohol use should raise their concerns with the Office of Human Resources without fear of reprisal at (914) 674-7389.

III. Illegal Drugs and Drug Paraphernalia

The possession, use, manufacturing, selling, or distribution of illegal drugs or drug paraphernalia, as well as marijuana, is prohibited on all Mercy University property, in any Residential Area (which includes the Mercy University Residence Hall and any off-campus locations used for student housing) and at any off-campus University activity or event. The term illegal drug includes, without limitation, prescription medications or other drugs that are being used, possessed or distributed illegally. Such conduct may also violate a number of state and federal criminal laws that may subject violators to fines or terms of imprisonment.

In addition to marijuana being prohibited on any of Mercy's campuses or at any Mercy events, in the State of New York, it is illegal for any person under the age of 21 to possess or consume marijuana. It is also illegal to obtain or use false or fraudulent proof of age obtained for the purposes of purchasing or consuming marijuana, to misrepresent one's age or the age of another as being 21 or over, or to drive while ability impaired under or over the age of 21.

IV. Alcoholic Beverages

In the State of New York, it is illegal for any person under the age of 21 to possess or consume alcohol. It is also illegal to obtain or use false or fraudulent proof of age obtained for the purposes of purchasing or consuming alcohol, to misrepresent one's age or the age of another as being 21 or over, to drive while ability impaired or while intoxicated, or to drink and drive under or over the age of 21.

The possession, use, manufacturing, selling, or distribution of alcoholic beverages is prohibited on all Mercy University property, in any Residential Area (which includes the Mercy University Residence Hall and any off-campus locations used for student housing), and at any off-campus University activity or event. The University recognizes, however, that there may be activities and events where the University, or schools, departments or divisions may wish to serve alcohol for those employees, and in rare cases, students 21 years of age or older, to consume in a responsible manner. In such cases, the department, division, or organization sponsoring the activity is responsible for enforcing strict adherence to New York State Alcohol Beverage Control Laws and other laws of the State of New York. Any person or organization on campus who wants to serve alcohol at an event attended by students needs to consult with the Vice President for Student Affairs to ensure appropriate guidelines are followed, to include checking IDs for age, setting a drink minimum, and providing food and non-alcohol beverages.

These guidelines are intended to discourage the irresponsible distribution and consumption of alcoholic beverages as well as underage access to alcoholic beverages. Students and employees have the personal responsibility of discouraging drunkenness. Also, at certain University-sponsored events, the responsible use of alcohol on campus in moderation by persons who are not students at the University, and who are of legal drinking age, will be permitted.

V. Reporting Violations

Any employee or student who knows or believes that a violation of the Mercy University Drug and Alcohol Policy has taken place may file a complaint with the Office of Community Standards and Student Conduct or the Office of Human Resources.

VI. Violations and Sanctions for Students

In the case of a student, allegations of violation of this policy will be investigated and adjudicated in accordance with the disciplinary procedures set out in the Student Handbook.

A. Drug Violations and Sanctions for Students

As noted above, the possession, use, or distribution of illegal drugs, as well as marijuana, or drug paraphernalia is prohibited on all Mercy University property, in any Residential Area (which includes the Mercy University Residence Hall and the off-campus hotels) and at any off-campus University activity or event. Such conduct violates University policy, and may also violate a number of state and federal criminal laws that may subject violators to fines or terms of imprisonment. See Section VIII below for criminal penalties.

1. Mercy Code of Conduct

At Mercy, violations of the Illegal Drugs and Drug Paraphernalia policy include, but are not limited to, the following behaviors by students:

- **Level I:** (a) Possession or use of drug paraphernalia. Drug paraphernalia includes, but is not limited to: roach clips, bong, pipes, and hookahs. Minimum of a \$25.00 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level I illegal drugs/drug paraphernalia violation.
- **Level II:** (a) Possession or use of illegal drugs, including marijuana, or (b) the second instance of a Level I violation. Minimum \$100.00 fine, assigned community service, illegal substance education module, E-Toke, or a combination thereof, and disciplinary probation for a Level II drug violation.
- **Level III:** (a) The third or more instance of a Level I violation, or (b) the second or more instance of a Level II violation. Minimum \$200.00 fine, assigned community service, illegal substance education module, E-Toke, or a combination thereof, and disciplinary probation for a Level III drug violation.
- **Level IV:** (a) Sale, manufacture or distribution of illegal drugs, including marijuana, or (b) the second instance of a Level III violation. Minimum \$300.00 fine and removal from housing and/or suspension or expulsion from the University for a Level IV drug violation.

Upon finding credible evidence of the above listed violations by any student, the University will take appropriate disciplinary action, as set out in the Student Handbook, and may impose sanctions up to and including probation, suspension, or expulsion. Mercy University will also cooperate fully with law enforcement agencies in the investigation and prosecution of drug-related crimes that occur on University premises or at University-related events and activities or that otherwise affect the University community.

Mercy University has the obligation to protect the interests and rights of students as well as those of the University community as a whole. At the same time, the University understands that drug abuse may be a symptom of deeper personal and emotional problems. The University may also offer assistance to students in such circumstances and emphasizes the reciprocal responsibility of the individual to seek such help. See Section X. below for available resources.

2. Financial Aid Implications

Students will be ineligible for financial aid if they are convicted of an offense under federal or state law involving possession or sale of a controlled substance, provided that the conduct occurred while the student was enrolled and receiving federal financial aid. Ineligibility for financial aid will run from the date of conviction for the following periods: (a) for drug possession: a first

offense carries a one-year disqualification, a second offense carries a two-year disqualification, and a third offense makes the student ineligible indefinitely, and (b) for sale of a controlled substance: a first offense carries a two-year disqualification, and a second offense makes the student ineligible indefinitely.

A student can regain eligibility by successfully completing an approved drug rehabilitation program.

B. Alcohol Violations and Sanctions for Students

Students have the personal responsibility of discouraging drunkenness. In the State of New York, it is illegal for any person under the age of 21 to possess or consume alcohol. It is also illegal to obtain or use false or fraudulent proof of age obtained for the purpose of purchasing or consuming alcohol, to misrepresent one's age or the age of another as being 21 or over for purposes of purchasing or consuming alcohol, to drive while ability impaired or while intoxicated, or to drink and drive under or over the age of 21. Any such conduct by a student, which is brought to the attention of a University official, will be treated as a violation of this policy.

Violations involving alcohol by students of the Mercy University Drug and Alcohol Policy include, but are not limited to, the following behaviors:

- **Level I:** Student is found in the presence of alcohol or empty alcohol containers in any campus location, including any Residential Area. Minimum of a \$25 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level I alcohol violation.
- **Level II:** (a) Possession or consumption of alcohol in any campus location, including any Residential Area, (b) presence at or hosting of a large or disruptive gathering where alcohol is present, or (c) the second instance of a Level I violation. Minimum of a \$100.00 fine, assigned community service or a combination thereof, completion of an alcohol education module, and disciplinary probation for a Level II alcohol violation.
- **Level III:** (a) Visible intoxication in any campus location, including any Residential Area, (b) participation in or presence at contests involving the consumption of alcohol or the possession of any paraphernalia related to such contests, including the playing of water pong, when alcohol is also found in the student's room at the time of water pong activity, or (c) the second instance of a Level II violation. Minimum of a \$200.00 fine, assigned community service, or a combination thereof, completion of an alcohol education module, disciplinary probation and possible notice to student's parents for a Level III alcohol violation.
- **Level IV:** (a) Possession of kegs, grain alcohol or common source containers, (b) possession or use of funnels, (c) the third instance of a Level II violation, or (d) the second

instance of a Level III violation. Minimum of a \$300.00 fine, assigned community service, one (1) year disciplinary probation, possible removal from the Residential Area, possible suspension or expulsion from the University, possible notice to the student's parents, or mandatory attendance in an alcohol awareness class for a Level IV alcohol violation.

Upon finding credible evidence of the above listed violations by any student, the University will take appropriate disciplinary action, as set out in the Student Handbook, and may impose sanctions up to and including probation, suspension or expulsion. Mercy University will also cooperate fully with law enforcement agencies in the investigation and prosecution of drug-related crimes that occur on University premises or at University-related events and activities or that otherwise affect the University community.

VIII. Violations and Sanctions for Employees

Mercy University has a vital interest in ensuring a drug-free, safe, and healthy workplace for our employees in the provision of quality services to fulfill the University mission. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and contributes a violation of the community trust.

Employees may not use, possess, or be under the influence of illegal drugs, marijuana and/or alcohol at work on Mercy University premises or while conducting business related activities elsewhere. The use, possession, manufacture, distribution, and/or selling of alcohol, marijuana or illegal drugs is strictly prohibited on Mercy property and/or when on official business.

Employees may not come to work under the influence of alcohol, marijuana or drugs even if consumed off premises.

If an employee is required to take a controlled substance for medical reasons that presents symptoms of intoxication or impairment, the employee will be required to provide appropriate documentation from a physician to the Office of Human Resources. If, in the judgement of the Office of Human Resources in consultation with the employee's supervisor, the employee cannot adequately perform the functions of their job, the employee will be sent home until the employee can demonstrate that they are able to perform the essential functions of their job.

Employees suspected of being under the influence of a controlled substance, marijuana or alcohol may be required to submit to a drug/alcohol screening and if such screening confirms the suspicion, they will be relieved of duty and face disciplinary action up to and including termination.

Employees convicted of the sale or possession of an illegal substance while employed by Mercy University will be terminated. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Mercy University of any criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of

the conviction.

IX. Health Risks Associated with Alcohol Abuse and Use of Drugs

Mercy University has an obligation to protect the interests and rights of students and employees. The University understands that drug abuse may be a symptom of deeper personal and emotional problems. The University may also offer assistance to students and employees in such circumstances and emphasizes the reciprocal responsibility of the individual to seek such help.

The health consequences of alcohol and substance abuse may be immediate and unpredictable, such as fatalities associated with alcohol and drug overdoses, or more long-term, such as liver and brain damage associated with the prolonged use of alcohol. The following are some of the health consequences of alcohol and other drug use:

Alcohol: Short-term effects include depressed central nervous system, impeded attention and memory, impaired judgment, impaired vision, impairment of other senses, irregular sleep, impaired driving, unconsciousness, and, with excessive use, death. Long-term effects of heavy use include damage to the liver, heart and pancreas, irritation of the gastrointestinal system, high blood pressure, oral cancer, malnutrition and nutritional deficiencies and lowered resistance to disease. Use during pregnancy can cause severe damage to the developing fetus.

Depressants: Short-term effects include depressed central nervous system, mildly impaired coordination, impaired judgment and short-term memory, impaired driving, and reduced anxiety/lethargy. In high doses, short-term effects can include irregular breathing, impaired reflexes, coma and death. Long-term effects of heavy use include disturbed sleep, chronic fatigue, anxiety, restlessness and depression, slower reflexes and impaired coordination, reduced sex drive and/or impotence, menstrual irregularities, hostility and mood swings and cross-tolerance to other depressants. Use during pregnancy can harm the developing fetus.

Hallucinogens: Because some of these substances are synthetic, they may be particularly potent and may contain impurities. Short-term effects include changes in perception, mood, thought and brain function, loss of judgment, disorientation, mild confusion and/or hallucinations, visual disturbances, increased heart rate, blood pressure and body temperature, nausea, vomiting and/or abdominal discomfort. In high doses, some hallucinogens can cause death. Over the long term, heavy use can precipitate severe psychotic episodes. In addition, flashbacks can occur spontaneously. Their effects during pregnancy are not fully understood.

Opiates: Short-term effects include impaired driving. Higher doses can cause drowsiness, sedation, dizziness or euphoria. Some may have a stimulating effect, with increased heart rate, blood pressure, tremors and seizures. Very high doses can cause decreased heart rate and blood pressure, muscle contraction, cyanosis and death. Over the long term, heavy use can result in impaired vision, chronic constipation, a higher risk of pulmonary complications, and mood swings. Needle use can lead to abscesses, collapsed veins and infections. Use during pregnancy can harm a developing fetus and create a higher risk of premature birth, miscarriage and stillbirth.

Marijuana: Short-term effects are the same as many of the short-term effects of depressants, stimulants and hallucinogens. They can include impaired judgment, short-term memory loss, impaired intellectual performance, reddening of eyes, sensory distortion, impaired coordination, drowsiness, and impaired driving. Short-term use can also aggravate pre-existing heart problems and mental health problems. Over the long term, effects include respiratory damage, impairment of memory and concentration and interference with the physical, psychological and social development of young users. The effect of daily use during pregnancy may cause problems in the developing fetus, but the effect is not fully known.

Stimulants: Short-term effects include impaired driving, impaired judgment, rapid breathing, increased heart rate and palpitations, anxiety, restlessness, hostility, paranoia and confusion, and visual and auditory hallucinations. Overdose can lead to death. Over the long term, use of stimulants can cause severe anxiety and paranoia, impaired coordination, tremors, high blood pressure, malnutrition, chronic sleeplessness, and damage to internal organs, such as the brain, heart, lung, liver and kidneys. Chronic use can lead to death. Use during pregnancy can cause damage to the developing fetus.

X. Legal Sanctions

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include but are not necessarily limited to heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.

An individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

Further, pursuant to New York State law:

- Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.
- Giving or selling an alcoholic beverage to a person less than age 21 is a class A misdemeanor punishable by a sentence of imprisonment of up to one year. Penal Law § 260.20.

- Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year. Vehicle and Traffic Law § 1192.
- A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65- b(1). Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law § 170.25.
- Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or her or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40.

XI. Resources for Help with Drug or Alcohol Abuse

A. Student Resources

Students in need of assistance with respect to questions or personal problems regarding alcohol or other drugs should contact the Counseling Center located at the Dobbs Ferry Campus in Main Hall, Room 108. The center is open weekdays from 9 a.m. to 5 p.m. Short-term personal counseling and crisis intervention are available for alcohol and substance abuse, and counselors can refer students to licensed professionals who can provide alcohol and substance abuse treatment or recovery information. Students may meet with counseling staff on the Dobbs Ferry, Bronx, or Manhattan campus. To schedule an appointment with a counselor, students can email and/or call the Counseling Center Main number (all campuses) at (914) 888-5150 or counselingcenter@mercy.edu.

Mercy provides two online education modules for students, one for alcohol and the other for marijuana. Both online modules are available on the Mercy University website within the Health and Wellness Center page:

e-CHUG: The electronic “Check-Up to Go” is a brief, self-assessment that provides you with accurate, detailed and personalized feedback on your use of alcohol, and specific information and helpful resources in the Mercy University community.

<http://interwork.sdsu.edu/echeckup/usa/alc/coll/mercy>

e-TOKE: The electronic “THC Online Knowledge Experience” is a brief, self-assessment that provides you with accurate, detailed and personalized feedback on your use of marijuana, and specific information and helpful resources in the Mercy University community.

<http://interwork.sdsu.edu/echeckup/usa/mj/coll/mercy>

The e-CHUG program must be completed by all Residential students in order to be cleared to move into the Residence Halls. All student athletes are required to complete the module as well. Students who are found to be in violation of alcohol policies must complete the e-CHUG module as a part of the sanctions for the violation.

The e-TOKE module is used as an education sanction for students who are found to be in violation of illegal substance policies pertaining to the use of marijuana specifically.

B. Employee Resources

Employees who need help in dealing with alcohol or drug abuse should contact their health insurance provider, the (EAP) Employee Assistance Program (ComPsych at 1-800-864-3577) or the Office of Human Resources for information, including information on treatment facilities. All requests for information relating to alcohol or drug abuse will remain confidential. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. Participation in the EAP after the disciplinary process has begun may not preclude disciplinary actions up to and including termination of employment.

C. Community Resources for Students and Employees

The following list contains confidential resources for anyone seeking information on alcohol and substance abuse prevention, education, counseling and treatment referrals.

- New York State Office of Alcoholism and Substance Abuse Services Hot Line: 1-877-846-7369 or text HOPENY (467369)
- New York City Drug and Alcohol Use Services: 1-888-NYC-WELL (1-888-692-9355)
- Westchester County Department of Community Mental Health, Office of Alcohol and Substance Abuse: 1-914-995-5220
- The Alcoholism Council of New York Help Line: 1-212-252-7022
- Alcoholics Anonymous: 1-212-647-1680 or www.nyintergroup.org
- Cocaine Anonymous: 1-877-958-8012 or www.canewyork.org
- Narcotics Anonymous: 1-212-929-6262 or www.na.org
- LIFENET Mental Health Association of NYC: 1-800-LIFENET (1-800-543-3638) or www.mhanys.org
- Pills Anonymous: 1-212-874-0700

XII. Amnesty for Drug and Alcohol Use

The health and safety of every student at Mercy University is of the utmost importance. Mercy University recognizes that students who have been drinking and/or using drugs at the time that sexual harassment or sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Mercy University strongly encourages students

to report incidents of sexual harassment or sexual violence. Therefore, a complainant or bystander acting in good faith who reports any incident of sexual harassment or sexual violence to Mercy University or law enforcement authorities will not be subject to the University's Code of Conduct for violations of Mercy's Drug and Alcohol Policy occurring at or near the time of the commission of the sexual harassment or sexual violence. The law does not protect those who sell or distribute controlled substances, have open warrants or who violate parole or probation.

The New York State 911 Good Samaritan Law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. The law does not protect those who sell or distribute controlled substances, have open warrants or who violate parole or probation.