

To All Students and Employees of Yeshiva University

The United States Department of Education has issued regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989. These regulations require that institutions of higher education promulgate and annually distribute standards of conduct prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol at any of their facilities or in connection with any of their activities by their students, faculty, staff, and others on their payroll (the employees). The regulations also require that each institution provide various related information more fully described below as part of their program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Yeshiva University's Standards of Conduct on illicit drugs and alcohol are outlined below in Section I. Information on University sanctions for violation of these standards is also outlined in Section I. Information on criminal sanctions for the illegal possession, use or distribution of illicit drugs and alcohol is outlined in Section II. Information on the health risks associated with the use of illicit drugs and the abuse of alcohol is outlined in Section III. Information on available counseling is outlined in Section IV. We urge your careful attention to this important information.

I. STANDARDS OF CONDUCT

The following are Yeshiva University's Standards of Conduct on Illicit Drugs and Alcohol for students and employees:

A. Standard of Conduct on Illicit Drugs

The University adheres to the following Standard concerning the unlawful possession, use, or distribution of illicit drugs:

The unlawful possession, use, or distribution of illicit drugs at any facility of the University or in connection with any activity sponsored by or under the control or supervision of the University shall subject the student or employee of the University to appropriate disciplinary action by the University and referral by the University for criminal prosecution by appropriate governmental authorities. In addition, being under the influence of illicit drugs (other than lawfully prescribed drugs) during working hours or when classes are in session or while engaged in activities sponsored by or under the control or supervision of the University shall also subject the student or employee to disciplinary action. In the case of students, such disciplinary action may include suspension or expulsion. In the case of employees, such disciplinary action may include suspension or discharge. Criminal sanctions for the unlawful possession, use, or distribution of illicit drugs are discussed in Section II and detailed in Appendices A and B.2

B. Standard of Conduct on Alcohol

A. Persons under the age of 21 years are prohibited from possessing any alcoholic beverage on Yeshiva University premises or at any event sponsored by the University or by a University organization whether the event is held at the University or not. It is the policy of Yeshiva University to prohibit the serving of alcoholic beverages to persons who cannot establish that they are 21 years of age or older.

B. Undergraduate students, regardless of age, are prohibited from consuming alcoholic beverages on University premises or at University events. Undergraduate students, regardless of age, are also subject to any further applicable restrictions of their individual school or residence facilities concerning alcoholic beverages.

C. All students, including undergraduate, graduate and professional students are prohibited from being under the influence of alcohol while engaged in academic or professional activities sponsored by, under the control of, or supervised by the University.

D. Employees are prohibited from being under the influence of alcohol during working hours or while engaged in activities sponsored by, under the control of, or supervised by the University. Employees are also prohibited from bringing alcoholic beverages into, or consuming alcoholic beverages on, University premises or at activities sponsored by, under the control of, or supervised by the University.

E. A limited exception exists only in regard to the non-intoxicating consumption of alcoholic beverages at events sponsored by the University or any of its recognized departments or divisions to which an employee, who is 21 years of age or older, is expressly invited.

Upon finding evidence of violation of the "Standard of Conduct on Alcohol" by any student, the University will take appropriate action which may include suspension or expulsion and, where appropriate, referral for prosecution. In the case of employees such disciplinary action may include suspension or dismissal, and where appropriate, referral for prosecution.

II. INFORMATION ON LEGAL SANCTIONS

The possession, use, or distribution of illicit drugs, depending on the nature of the crime, contains penalties up to

imprisonment for life.

Federal penalties for illegal possessions of a controlled substance and a description of Federal Trafficking [i.e., distribution] penalties for substances covered by the Federal Controlled Substances Act are attached as Appendix A. Examples of New York State and New York City provisions are contained in Appendix B.

Criminal penalties and sanctions may also result from the misuse of alcoholic beverages. For example:

1. A person under the age of 21 who possesses alcoholic beverages with intent to consume is subject to a \$50 fine and/or completion of an alcohol awareness program.
2. A person under 21 who presents falsified proof of age when purchasing or attempting to purchase alcoholic beverages commits a criminal violation and can be fined up to \$100 and be required to perform community service not to exceed thirty hours.
3. A person who drives while intoxicated commits a criminal misdemeanor that is punishable by up to one year imprisonment and up to a \$1,000 fine, plus revocation of that person's driver's license for six months.
4. New York City law prohibits consumption of an alcoholic beverage or possession with intent to drink an open container containing an alcoholic beverage in any public place except where a permit has been obtained. The possible penalty is a \$100 fine and 5 days imprisonment.

These are only examples of the penalties that can be assessed against an individual for the unlawful possession, use, and distribution of alcoholic beverages and illicit drugs. It is the University's policy to discourage violations of Federal, State, and City laws by its students and employees and will assist in the prosecution by the relevant governmental authorities by cooperating fully with such authorities.

III. HEALTH RISKS ASSOCIATED WITH ILLICIT DRUG AND ALCOHOL USE

A. Health Risks of Alcohol Abuse

Following is a summary derived from governmental studies of the health risks of alcohol.

Alcohol:

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.³

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

B. Health Risks of Illicit Drugs

A summary of the health risks associated with the use of illicit drugs, from a Department of Justice publication entitled *Drugs of Abuse* is attached as Appendix C.

IV. COUNSELING AND SIMILAR PROBLEMS

Detoxification, outpatient and inpatient rehabilitation, and reentry programs are available in New York City and elsewhere.

Persons concerned about substance abuse or alcohol problems are invited to call these numbers listed below for information, confidential referrals and assistance. These are just a sampling of assistance available throughout New York City.

Hotline Numbers

Alcoholic Anonymous	212-647-1680
Al-Anon	212-941-0094
Narcotics Anonymous	212-929-6262

Naranon 631-582-6465
NYS Drug Information Line 800-522-5353
Cocaine Hotline 800-662-HELP
Alcoholism Council-Fellowship Ctr 212-252-7022

The Albert Einstein College of Medicine of Yeshiva University operates a substance abuse treatment center whose focus is the treatment of opioid dependence (narcotics addiction) through the methadone maintenance modality. For more information, call (718) 409-9450 between the hours of 9:00 a.m. and 5:00 p.m.

Employees in need of assistance regarding drug or alcohol abuse may be eligible to participate in counseling and/or rehabilitation programs in the community. Information regarding some of these programs is available by calling (718) 430-2552.

Students in need of assistance regarding drug and alcohol problems may be able to obtain confidential counseling, a referral for counseling or a referral to appropriate outside agencies through appropriate University offices, such as for undergraduate students the University's Office of Student Services (212) 960-5330; for Cardozo Law School students Office of Student Affairs (212) 790-0313; for medical students, Sue Golding students, post-doctoral fellows and Research Associates Merit Behavioral Care at (800) 626-3643; students at the Ferkauf Graduate School of Psychology, Wurzweiler School of Social Work and other graduate students may also obtain a referral for counseling or a referral to appropriate outside agencies by contacting the Ferkauf Psychological Services Center.

V. CONCLUSION

Yeshiva University, as a matter of Institutional policy and as required by law, is committed to the prevention of the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

In that regard, Yeshiva will conduct a biennial review of its program to:

1. Determine its effectiveness and implement changes to the program if needed; and
2. Ensure that the disciplinary sanctions described herein are consistently enforced.

If you have any questions regarding this program or require assistance related to the provisions of this program, you may wish to call the Office of Labor Counsel at (718) 430-2551.

APPENDIX A

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

21 U.S.C. 844(a)

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

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

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both.

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

21 U.S.C. 853(a)(2) and 881(a)(7)

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

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

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

21 U.S.C. 844(a)
Civil fine of up to \$10,000. (pending adoption of final regulations)

21 U.S.C. 853(a)
Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

Miscellaneous

Revocation of certain Federal Licenses and benefits, e.g. pilot licenses, public housing tenancy, etc, are vested within the authorities of individual Federal agencies.

NOTE: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

APPENDIX B

Examples of penalties under the New York State Penal Law include: the criminal possession of four or more ounces of cocaine is a class A-1 felony, punishable by a minimum of 15-25 years, and a maximum of life in prison. The sale of one-half ounce or more of cocaine is a class A-2 felony, punishable by a minimum of 3-8 years four months and a maximum of life in prison. The criminal possession of one-quarter ounce or more of marijuana is a class D felony, punishable by up to 7 years in prison. The sale of more than 25 grams (to four ounces) of marijuana is a class E felony punishable by up to 4 years in prison. It is important to be aware that in New York a gift of drugs is treated as a sale.

New York City law provides that an individual convicted of a felony for possession or sale of a controlled substance can be liable to the City for a civil penalty of up to \$100,000 for each count of an indictment which resulted in a conviction under the penal law.

FOOTNOTES:

1. Illicit drugs are those controlled substances covered by either the Federal or New York States Controlled Substances Act including Narcotics (e.g., opium, morphine, codeine, heroine, hydromorphone, meperidine); Depressants (e.g., chloral hydrate, barbiturates, benzodiazepines, methaqualone, glutethimide); Stimulants (e.g., cocaine, amphetamines, phenmetrazine, methylphenidate); Hallucinogens (e.g., LSD, mescaline and peyote, amphetamine variants, phencyclidine, phencyclidine analogues); Cannabis (e.g., marijuana, tetrahydrocannabinol, hashish, hashish oil.)

2. This program is intended to supplement and not limit the University's Drug-Free Workplace Policy which imposes additional requirements regarding illicit drugs for employees who are engaged in the performance of federal grants or various federal contracts. Any person who potentially may be affected by that policy or other interested persons who wish a copy of Yeshiva's Drug-Free workshop Policy should contact (718) 430-2552.

3. From: What Works: Schools Without Drugs (1989 Edition), a Department of Education Publication.