

**School of Visual Arts**  
**Standards of Conduct and Alcohol and Drug Policy**  
**2012-2013**

Standards of Conduct

The School of Visual Arts expects all members of the College community to assist in maintaining a drug-free environment. The possession, unlawful manufacture, distribution, dispensing or use of a controlled substance (illicit drugs, alcohol, etc.) or being under its influence on College premises, including residence halls, is prohibited and grounds for administrative action.

Any SVA employee, as a condition of employment, is expected to abide by the drug-free workplace policy. In addition, the College is required by The Drug-Free Workplace Act of 1988 to notify all employees and students that they must report any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

Students cannot drink or possess alcoholic beverages of any kind on SVA property including the residence halls. Functions for the College, including graduate programs, where alcoholic beverages are served require pre-approval of the Provost or his designee.

Possible Disciplinary Sanctions And Penalties

Any employee or student found to be in violation of this policy will be subject to sanctions, including, but not limited to, mandatory referral for counseling and/or treatment, and termination of employment or enrollment. For a list of specific disciplinary consequences for violations of this policy, see “Student Code of Conduct Sanctions”, p. 62.

Possible Legal Sanctions And Penalties

A student or employee who violates this policy is subject to not only the College’s sanctions, but also to possible criminal sanctions provided by federal, state and local laws, which make illegal use of drugs and alcohol serious crimes. Conviction can lead to imprisonment, fines and mandatory community service.

The Federal Controlled Substances Act, 21 U.S.C. 844, *et seq.*, provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession of a controlled substance. Notably, any person found to have unlawfully distributed such substances to a person under 21 may be punished by up to twice the term of imprisonment and twice the fines. The same applies to distribution of drugs in or within 1,000 feet of a college or school.

Federal penalties and sanctions for illegal drug possession of a controlled substance include but are not limited, to the following:

- First conviction: Up to one-year imprisonment and a fine of at least \$1,000.
- After one prior drug conviction: At least 15 days in prison, and a fine of at least \$2,500.
- After two or more prior drug convictions: At least 90 days in prison, and a fine of at least \$5,000.

Federal trafficking penalties range from 5 years to life in prison, and fines of up to \$5 million. For a schedule of penalties, see <http://www.justice.gov/dea/agency/penalties.pdf>.

Additional penalties may apply under various New York State drug and alcohol laws. With respect to penalties, the New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but no more than one year. A felony is a crime punishable by imprisonment for more than one year. Felonies carry varying degrees of minimum and maximum sentences. Class A felonies carry the longest jail sentences, while class E felonies carry the shortest. Below are some of the sanctions provided for by the Penal Law.

- Sale of a controlled substance on or near school grounds, or to a person less than 21 years of age is a Class B felony.
- Possession of a hypodermic instrument without a doctor's prescription is a Class A misdemeanor.
- Injection of another person with a narcotic drug, with consent of that person is a Class E felony.
- The Penal Law bans possession or sale of drug paraphernalia—a wide category of items that are considered commercial drug preparation materials. Such possession is a Class A misdemeanor.

New York law also addresses the illegal sale or possession of alcohol. Below is a list of some offenses and penalties.

- Procuring alcohol for a person under the age of 21 carries a penalty of up to five days imprisonment and a \$200 fine.
- Driving while intoxicated (by either drugs or alcohol) is a misdemeanor punishable by up to a year imprisonment and a fine of up to \$1000.
- "Driving While Ability Impaired" by alcohol (based on one's blood alcohol content level) is punishable by up to 15 days imprisonment and a fine of up to \$500, as well as a 90 day month license revocation for a first offense.
- Possession of alcohol by persons under 21 carries a \$50 fine per offense.
- Any person who sells alcoholic beverages or unlawfully assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.
- It is in violation of state law for a person under the age of 21 years to present false evidence of age to procure alcoholic beverages. The penalty may include probation up to a year and a fine of up to \$200.

The above lists include only a sampling of federal and state penalties and sanctions for conduct involving drugs and alcohol, all of which are subject to change. Additional federal, state and local penalties and sanctions may apply.

#### Health Risks Associated With Alcohol and Other Drug Abuse

The following information on health risks is from What Works: Schools Without Drugs, U. S. Department of Education (1992):

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment 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.

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.

#### Drug and Alcohol Programs

The College is well aware that substance abuse is one of the most pervasive medical and social problems of our time and will make effort to treat a student or employee's problem with confidentiality and compassion. However, the mission of the College requires a drug-free environment and all appropriate measures will be taken to ensure that it remains so. The College encourages individuals with alcohol or other drug-related problems to seek assistance through one of the drug and alcohol programs below.

College community members, including students, staff, and faculty seeking assistance are encouraged to speak with a staff member at the College's Student Health and Counseling Services (23 Lexington Avenue, room 302, 212.592.2246, M-F, 9a-5p) for support. Short term confidential services are provided free of charge.

Referrals to community based clinicians and treatment organizations can also be provided. Community based resources include:

Alcoholic Anonymous  
[www.aa.org](http://www.aa.org), 212.870.3400

Alcoholics Anonymous of New York  
[www.nyintergroup.org](http://www.nyintergroup.org), 212.647.1680

Narcotic Anonymous  
[www.na.org](http://www.na.org), 212.929.6262

The Addiction Institute of New York  
[www.addictioninstituteny.org](http://www.addictioninstituteny.org), 212.523.6491