



**UMBC Substance Abuse Policy
UMBC Policy # III-5.00.04**

I. POLICY STATEMENT

This policy is intended to define the conditions under which the unlawful manufacture, distribution, dispensation, possession or use of controlled substances by University employees in the workplace is prohibited.

II. PURPOSE FOR POLICY

It is the purpose of the UMBC Substance Abuse Policy to:

- Foster a safe and healthy campus environment in which students, faculty, and staff can live, work, and study free of the consequences associated with substance abuse
- Inform members of the UMBC community about (1) the health risks associated with substance abuse; (2) resources available to educate students, faculty, and staff about alcohol and controlled substances; (3) confidential resources available to help those with special needs related to substance abuse; (4) local, state, and federal laws regarding the purchase and consumption of alcohol and the possession, use, and distribution of controlled substances; (5) institutional standards regarding the use and abuse of alcohol and controlled substances
- Comply with state and federal requirements regarding alcohol and other drugs in the work place and on campus.

III. APPLICABILITY AND IMPACT STATEMENT

This policy addresses all UMBC faculty and staff members.

IV. CONTACTS

Direct any general questions about this University Policy first to your department’s administrative office. If you have specific questions, call the following offices:

| Subject | Contact | Telephone | Email |
|----------------------|-----------------|------------------|--------------|
| Policy Clarification | Human Resources | 410-455-2337 | |
| | | | |

V. UNIVERSITY POLICY

I. UNIVERSITY OF MARYLAND SYSTEM POLICY ON A DRUG-FREE WORKPLACE

The University of Maryland System, as an employer, strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances*. Unlawful manufacture, distribution, dispensation, possession or use of controlled substances by University employees in the workplace is prohibited under University policy.

In addition to any legal penalties under federal and state law, faculty/staff found to be in violation of this policy may be subject to corrective action under applicable University Human Resources policies.

The University supports programs aimed at the prevention of substance abuse by University employees. Employees are encouraged to seek assistance for substance-dependency problems. Employee-assistance counseling and leaves of absence to attend rehabilitation programs are appropriate means for dealing with these problems.

*As defined pursuant to Controlled Substances Act, 21 U.S.C. Sections 801, et seq.

II. FEDERAL, STATE, AND LOCAL LAWS

A. Controlled Substances

The use, possession and/or sale of illegal drugs and controlled substances on the campus and in the workplace are also violations of State and Federal laws for which individuals are subject to University disciplinary processes and/or arrest and criminal prosecution.

Federal law 21 USCA, sections 841 and 844 to 845a (1990), states that it is unlawful to possess any controlled substance, including marijuana, cocaine, and heroin, for any illegal purpose. If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from 5 to 20 years. For other illegal drugs, the penalty for simple possession is a fine of at least \$1000 and/or imprisonment for up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute or dispense a controlled substance, especially if done so near a public or private college or university. Additionally, any person who violates this law shall also be liable to the U.S. for an amount up to \$10,000 in civil penalties.

In addition to the federal laws, the State of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances. MD. Ann. Code Art. 27, section 286 (1989), states that any person who unlawfully manufactures or distributes may be fined up to \$25,000 and may be imprisoned for up to 20 years for a first offense.

B. Alcohol

It is illegal in the State of Maryland, MD. Ann. Code Art. 27, sections 400 to 403 B., for any person under 21 to falsify or misrepresent his or her age to obtain alcohol or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

MD. Ann. Code Article 27, section 211 states that it is illegal in the State of Maryland to drink alcohol on any public property or shopping center, mall, or other retail establishment, with a penalty of a fine up to \$100. Section 207 states that it is illegal to be intoxicated and create a disturbance or endanger the safety or property or another person. The penalty is a fine of up to \$100 and/or imprisonment not exceeding 90 days.

In addition, MD. Ann. Code Art 214 states that it is illegal in Baltimore County to possess alcohol in an open container in any parking lot of any shopping center or retail store, unless given permission by the owner. The penalty is a fine of up to \$100.

III. INSTITUTIONAL STANDARDS

A. Employees

The use, possession and/or sale of illegal drugs, or the use of alcohol and prescription drugs in any way that is illegal, are violations of the UMBC terms and conditions of employment for faculty, associate, academic administrative, classified and contractual staff and student employees. Faculty, students and employees who use, possess, or sell illegal drugs, or abuse alcohol or prescription drugs in any way that is illegal shall be subject to discipline, up to and including mandatory counseling, suspension, or dismissal. The University will take disciplinary action based on reasonable available information; such action will be independent of any civil or criminal processes precipitated by the same incident, and will follow the policies and procedures of the University and the University of Maryland System Board of Regents.

B. Students

UMBC is strongly committed to an academic environment which supports the health, safety, and well-being of all persons. As such, any behavior which threatens

this principle shall be subject to severe sanction. To that end, the possession, use or distribution of controlled substances shall be viewed as extremely serious. Violations of this kind may subject a student to the most serious sanctions, including suspension or expulsion from the University. UMBC Student Conduct Code, Section III. Principles.

The University Student Conduct Code at Section B. d. makes the possession use, distribution, sale, manufacture or processing of illegal or un-prescribed drugs, hallucinogenic and controlled dangerous substances and paraphernalia a violation subject to University sanctions which may include suspension or expulsion. Violations of Federal, State and Local laws are also violations of the University Student Conduct Code.

IV. RECIPIENTS OF FEDERAL GRANTS/CONTRACTS/AWARDS

A. Any faculty, staff member or student applying 1) for a federal grant or contract in which an in-the-workplace drug-free policy is required, 2) for any faculty/staff grant/award or fellowship in which the drug-free workplace policy is required, and 3) for a subcontract with the Department of Defense, will comply with federal regulations issued January 31, 1989.

1. Each faculty/staff federal grant/contract applicant must agree in writing to abide by the terms of the UMBC Substance Abuse Policy.
2. Each faculty/staff Federal grant contract recipient must notify the Office of Sponsored Programs of any criminal drug conviction occurring in the workplace, no later than 5 days after conviction.
3. Student Pell Grant recipients must certify that they will not engage in any illicit drug-related activity during the period of the Pell grant.

B. The University will be responsible for notifying any contracting or granting agency within days of receiving employee notification or otherwise receiving actual notice of a conviction in V.B.2.-see above.

C. If a grant or award is directly made to a recipient rather than the institution, the recipient shall certify in writing that the recipient will not engage in the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance in the workplace or while conducting any work activity with the grant/award, and will abide by the terms of the UMBC Substance Abuse Policy.

V. HEALTH RISKS OF SUBSTANCE ABUSE

Substance abuse is now recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospitals and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This total includes deaths from stroke, disease of the heart and liver, all alcohol and drug related suicides, homicides and accidents. Early detection can minimize or prevent the devastating consequences of substance abuse.

VI. SUBSTANCE ABUSE EDUCATION, COUNSELING, AND REHABILITATION SERVICES

A. Employees

1. The University recognizes the importance of individual rights and respects the privacy of employees and students. To this end, the University, through the Maryland Department of Personnel, has an established an Employee Assistance Program (EAP) for faculty and staff. This program is designed to provide counseling and rehabilitative services. Employees are encouraged to contact the EAP in the event that they have a substance abuse problem. In this way, an employee can correct the problem before it jeopardizes a job, an education, family or one's well-being.
2. Voluntary participation in an assistance program will not jeopardize continued employment or enrollment at the University, provided that job performance or behavior is consistent with established standards. However, voluntary participation in an assistance program will not prevent disciplinary action for violation of the policy, as stated in the guidelines above, where such violation has already occurred.

B. Students

1. Student Health Services HS Building 455-2542

Student Health Services provides, by request, workshops on various topics and life skills including techniques for helping a friend, responsible partying, alternatives and assertiveness.

Student Alcohol/Drug Education Workshop I: Students involved in serious alcohol-related incidents on campus, DWI arrests, or those concerned about their alcohol/drug use can attend this 6-week workshop.

Student Alcohol/Drug Education Workshop II: For general

education or alcohol related incidents on campus, students may attend a 3-hour workshop.

2. Counseling Center M/P 201 455-2472

Screening Assessments: The professional staff of the Counseling Center is qualified to evaluate alcohol and drug-related problems presented by students. The evaluation can assist the student in ascertaining if he or she has a problem with substance abuse and the extent of the problem. The student can then be offered or referred to an appropriate program for his/her concerns. It is possible that the outcome of the assessment may be to refer the student for further evaluation.

Individual and Group Counseling: On the basis of an initial assessment the Counseling Center staff member may suggest that a student participate in individual and/or group counseling for minor substance abuse problems and individual and group counseling for the effects of parental substance abuse (adult children of alcoholics groups).

On or Off-Campus Referral: The staff at the Counseling Center may determine that a student has needs related to alcohol and drug issues which may better served by other offices, either on or off campus. For example, a student may be referred to the Student Health Service for a physical examination or for alcohol and drug education. For more serious substance abuse problems the student would likely be referred to a public or private agency in the community which specializes in evaluation and treatment. Or the student might be referred to a self-help group (e.g., Alcoholics Anonymous) if such a group were not available on campus.

Educational Programs: The Counseling Center staff is available to provide outreach programs on subjects related to the abuse of alcohol and other drugs. Because the UMBC Student Health Service has staff specifically trained to offer alcohol and drug education, Counseling Center programs usually stress psychological, emotional, and interpersonal aspects of substance use and abuse. For example, the Counseling Center has presented information on self-esteem and substance abuse to new UMBC athletes.

C. Off-Campus Resources for Employees and Students

Maryland Drug and Alcohol Prevention and Treatment
Referral 1-800-635-7619

This resource offers referrals to substance abuse treatment and counseling facilities throughout the state. Services and facilities can be located by county and a cross reference is available to population served and services offered.

VI. DEFINITIONS

| | |
|-----------------------------|---|
| Controlled Substance | An illegal drug that can have a detrimental effect on a person's health and welfare. As a result, state and federal governments have seen fit to regulate these substances. A person caught possessing a controlled substance can be fined and held in prison by local, state, and federal law enforcement. |
|-----------------------------|---|

VII. APPROVAL AND PROCEDURES

Not Applicable

VIII. DOCUMENTATION: None

IX. RESTRICTIONS AND EXCLUSIONS: NONE

X. RELATED ADMINISTRATIVE POLICIES AND PROCEDURES:

Administrator Use Only

Policy Number: 5.00.04

Policy Section: III Academic Affairs

Responsible Administrator: _____ (same as noted in IV above)

Responsible Office: Human Resources

Approved by President: _____ [date(s)]

Originally Issued: _____ (date)

Revision Date(s): _____ (date)