



University Policies and Procedures

07-01.10 – POLICY ON SUBSTANCE ABUSE FOR FACULTY, STAFF, AND STUDENTS

- I. Policy Statement:** The use of controlled substances and the abuse of alcohol present a serious threat to individual health and everyone's safety. Moreover, the use of illegal drugs and the abuse of alcohol can result in less than complete reliability, stability, and good judgment, which is inconsistent with the standards set for the faculty, staff, and students of Towson University ("University").

Towson University strives to maintain a workplace free from the illegal manufacture, use, distribution, or possession of controlled substances ("Controlled Dangerous Substance Violations"). Controlled Dangerous Substance Violations are considered violations of Towson University's Code of Student Conduct, the faculty contract, and the terms of employment of regular and contingent (exempt/nonexempt) staff. Faculty, students, and employees who commit Controlled Dangerous Substance Violations are subject to discipline, including mandatory counseling, suspension, or dismissal from the University. Persons who commit Controlled Dangerous Substance Violations are also subject to criminal prosecution.

Alcohol abuse is a form of substance abuse. Persons who consume alcohol on the University campus are responsible to civil and University authorities for compliance with State and local laws. It is a violation of Maryland law for persons under 21 to purchase, possess, or consume alcohol. The following acts are also unlawful: to knowingly and willfully misrepresent one's age to obtain alcohol; to purchase alcohol for a minor; and to possess open containers of alcohol in a public place. Violations of the laws relating to alcohol use will be strictly enforced.

Specific procedures for reporting drug and/or alcohol use by students, and related penalties and procedures are part of the Towson University Student Code of Conduct. Employee disciplinary measures and procedures for violations of this policy are part of the Faculty Handbook, the Part-Time Faculty Handbook, and applicable personnel policies.

In addition to this policy, University employees, including student employees, are subject to the Maryland Governor's Executive Order 01.01.1991.16 which is attached to this policy and incorporated by reference.

In accordance with federal law, the University's substance abuse policy will be distributed annually to all students and employees.

II. Reason for Policy: This policy safeguards resources and assures compliance with University System of Maryland Policy <http://www.usmd.edu/regents/bylaws/SectionVII/VIII10.html> and local, state and federal laws.

III. Definitions:

- A. Controlled Substances are defined by the Controlled Substances Act, 21 U.S.C. §801 *et seq.*
- B. Controlled Dangerous Substance Violation is the manufacture, use, distribution, or possession of controlled substances.
- C. Employee means a faculty or staff member (including student employees).
- D. Substance Abuse: means use of illegal drugs and/or using, and/or abusing alcohol.

III. Responsible Executive and Office:

Responsible Executive: Provost and Vice President for Academic Affairs
Vice President for Student Affairs
Vice President for Legal Affairs & Human Resources and
General Counsel

Responsible Office: Office of Academic Affairs
Office of Student Affairs
Legal Affairs & Human Resources

IV. Entities Affected by this Policy: All divisions, colleges, departments, operating units and students and visitors.

V. Procedures:

A. Education

In accordance with federal law, there will be an annual distribution to each Employee and student of:

1. the dangers of drug abuse in the workplace;
2. the institution's policy on maintaining a drug-free workplace and drug-free campus;

3. standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and Employees on University property or as part of any University activities;
4. applicable legal sanctions under local, state, or federal law;
5. health risks associated with the use of illicit drugs and abuse of alcohol;
6. available drug or alcohol counseling, treatment, or rehabilitation and/or reentry programs; and
7. a statement of the disciplinary sanctions that the University will impose on students and Employees.

The annual distribution will be made: (1) to faculty by Academic Affairs; (2) to staff by Administration and Finance; and, (3) to students by Student Affairs.

B. Distribution

1. Student Affairs will be responsible for distribution of this policy to students;
2. Human Resources will be responsible for distribution of this policy to staff; and,
3. Academic Affairs will be responsible for distribution of this policy to faculty.

C. Employee/Student Assistance Programs

The University has an established counseling program for students and an Employee Assistance Program (EAP) for faculty and staff. These programs are designed to provide counseling and rehabilitative services. Employees are encouraged to contact the Office of Human Resources and students are encouraged to contact the Counseling Center in the event they have a substance abuse problem.

Employees and students who need help with a problem of substance abuse are encouraged to call the Counseling Center, the Health Center, Human Resources or the Office of the Vice President for Student Affairs. The resources of the Counseling Center are available for supervisors who wish consultation in handling Employees who may have substance abuse problems.

Voluntary participation in an assistance program will not jeopardize a participant's continued employment or enrollment provided that the participant's job performance or behavior is consistent with established standards. However, voluntary participation in an assistance program will

not prevent disciplinary action for violation of this policy, where such violation has already occurred.

D. Procedures for Reporting Substance Abuse

Upon observing suspected Controlled Dangerous Substance Violations or the illegal use of alcohol, faculty and staff, and/or students shall proceed in the following manner:

Step One: Report the activity to the Towson University Police immediately. Also notify your supervisor. Students observing Controlled Dangerous Substance Violations and/or illegal alcohol activity in the residence halls should notify the University police immediately. In addition to notifying the police you should also notify a housing staff member.

Step Two: Use sound judgment when approaching individuals suspected of illegal drug or alcohol use. It is preferable to leave drugs or alcohol in their original location until the authorities take action.

Step Three: The University police will determine if State or federal laws have been violated. University Employees should not become involved in mediating any situation involving illegal drug or alcohol use.

E. Penalties for Substance Abuse

1. Penalties for Faculty and Staff

The University strongly encourages the use of drug and/or alcohol rehabilitation programs as an effective measure in creating a drug-free workplace program. However, penalties may be implemented (in consultation with Human Resources' Manager for Employer-Employee Relations) up to and including reprimand, suspension, mandatory counseling, mandatory participation in a drug and/or alcohol rehabilitation program and/or dismissal. Appropriate University personnel procedures shall be used for each classification of Employee.

Maryland law, Md. Code, Criminal Law Article §5-601 *et seq.* states that persons convicted of Controlled Dangerous Substance Violations are subject to imprisonment (length of time varies) and fines.

2. Penalties for Students

In addition to federal and state law, and the policies of the University System of Maryland, students shall be governed by the “Towson University Student Code of Conduct.” Students are subject to discipline if they commit Controlled Dangerous Substance Violations under the Student Code of Conduct. Various penalties may be imposed depending on the violations. Individuals are encouraged to use voluntary rehabilitation programs and may be required to receive mandatory counseling and treatment. If a student is suspected to have committed Controlled Dangerous Substance Violations or to have used alcohol, illegally, the student will be subject to disciplinary action arrest and possible criminal prosecution.

Students suspected of Controlled Dangerous Substance Violations will be referred to the Director of Judicial Affairs in accordance with the Towson University Student Code of Conduct. Disciplinary proceedings may proceed whether or not criminal charges related to the same incident have been resolved. The University encourages voluntary counseling and may require participation in an approved treatment program.

F. Recipients of Federal Grants/Contracts/Awards

Any faculty, staff member or student applying 1) for a federal grant/contract in which a drug-free workplace policy is required, 2) for a “Pell Grant” or any other student/faculty grant/award or fellowship in which a drug-free workplace policy has been required, and/or 3) for a subcontract with the Department of Defense, will be required to comply in accordance with federal regulations.

1. Each individual must certify in writing to abide by the terms of the Towson University Policy on Substance Abuse.
2. Each individual must notify the Office of Sponsored Projects and Research Administration or the Office of Financial Aid of any criminal drug conviction for a violation occurring in the workplace, no later than 5 days after conviction.

The University will be responsible for notifying any contracting or granting agency, within ten days of receiving notice of a conviction as described in paragraph 2 above from the Employee, or otherwise receiving actual notice of the conviction.

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

G. Relationship with External Contractors

The University is committed to encourage all non-state entities who do business with the University or otherwise receive funds from the University, to make a good faith effort to eliminate illegal drug use, and drug and alcohol abuse from their workplace. Therefore, in accordance with Executive Order 01.01.1989.18, the University shall take whatever action necessary and appropriate to require a drug-free workplace, in accordance with applicable federal and state law, of each recipient of a State contract, grant, loan or other state funding instrument.

H. Periodic Review

The Towson University Substance Abuse Policy and Program will be reviewed periodically to determine effectiveness and the need to implement change as necessary, and to assure that sanctions developed and implemented were consistently enforced.

I. Good Faith Efforts

The University will at all times make a good faith effort to maintain a drug-free and substance abuse free workplace and campus through the implementation of this policy.

Related Policies: University of Maryland System Policy on a Drug-Free Workplace VII-1.10
Maryland Governor's Executive Order on Substance Abuse, 01.01.1991.16
Maryland Governor's Executive Order on a Drug and Alcohol Free Workplace (Non-State Entities), 01.01.1989.18
Maryland Code, Criminal Law Article (§5-601 *et seq.*)
Federal Drug-Free Workplace Act (41 U.S.C.A., Section 701 *et. seq.*) and implementing regulations (34 C.F.R. Part 85)
Federal Drug-Free Schools and Communities Act, as amended (20 U.S.C.A. Section 1011i) and implementing regulations (34 C.F.R. Part 86)

Approval Date: 06/23/2008

Effective Date: 06/23/2008

Amended Date: 08/21/2008

Approved by: President's Council 6/13/2008

EXECUTIVE ORDER 01.01.1991.16

State of Maryland Substance Abuse Policy

WHEREAS, Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative impact on the operation of business and government; and

WHEREAS, Surveys indicate that nationally, 65 percent of the 18-25 year-old adult working population have used illicit drugs; and

WHEREAS, Every employer, including the State of Maryland, experiences a loss in productivity due to drug related absenteeism, injuries on the job, decreased work quality, and wasted dollars; and

WHEREAS, Substance abusing employees function below established, standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees; and

WHEREAS, The illegal use of the workplace as a drug market endangers the health, safety, and welfare of State employees; and

WHEREAS, In order to serve the citizens of Maryland properly, the State must maintain a work environment which is free of drugs; and

WHEREAS, The Federal Omnibus Drug Abuse Act of 1988 requires that any State which is a recipient of Federal funds must establish a Drug-Free Workplace, including a policy on the use of substances, an employee drug awareness program, and a procedure for employees to report their own convictions; and

WHEREAS, A drug-free workplace is fundamental to efficient, effective and responsible government;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1989.05 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions. In this Executive Order the following words have the meanings indicated:

- (1) "Substance" means alcohol or drugs.
- (2) "Alcohol" means ethyl alcohol or ethanol.
- (3) "Drug" means:
 - (a) A controlled dangerous substance;

- (b) Any other substance which must be dispensed by a licensed health care professional; or
 - (c) An over-the-counter drug.
- (4) "Abuse" means:
- (a) The use of an illegal drug;
 - (b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the State employee or could impair the job performance of an applicant for State employment;
 - (c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a State employee or could impair the job performance of an applicant for State employment; or
 - (d) The use of alcohol if it impairs job performance of the State employee or could impair the job performance of an applicant for State employment.
- (5) "Workplace" means any place where an employee is performing work for the State of Maryland.
- (6) "Employee" means:
- (a) A classified, unclassified, contractual, key employee, or other employee or official in the Executive Branch;
 - (b) A volunteer who provides a service to or for a unit in the Executive Branch; or
 - (c) A member of a Board or Commission in the Executive Branch.
- (7) "Sensitive Employee" means an employee whose classification or position has been designated sensitive by the employee's appointing authority or personnel system.
- (8) "Conviction" means:
- (a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence; or
 - (b) The staying of the entry of judgment and the placing of the defendant on probation after a finding of guilty or the acceptance of a plea of nolo contendere.
- (9) "Alcohol Driving Offense" means:
- (a) Driving or attempting to drive while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol; or
 - (b) Operating or attempting to operate a vessel while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol.
- (10) "Controlled Dangerous Substance Offense" means:
- (a) A controlled dangerous substance violation, under Article 27 of the Annotated Code of Maryland;

- (b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;
- (c) Driving or attempting to drive while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance; or
- (d) Operating or attempting to operate a vessel while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance.

B. General Policy. The State of Maryland establishes and adopts the following substance abuse policy for the Executive Branch of State Government:

- (1) The State of Maryland is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress.
- (2) All employees in the workplace must be capable of performing their duties.
- (3) Employees experiencing substance abuse problems are encouraged to seek assistance through:
 - (a) Their employer;
 - (b) Self-referral to the employer's Employee Assistance Program; or
 - (c) Self-referral to an alternative certified rehabilitation program.
- (4) An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.
- (5) Employees are prohibited from:
 - (a) Abusing alcohol or drugs;
 - (b) Committing a controlled dangerous substance offense; or
 - (c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.

- (1) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action.
- (2) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee's appointing authority within 5 work days.
- (3) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:
 - (a) Convicted of an at-the-workplace alcohol driving offense; or
 - (b) Found under the influence of alcohol while at-the-workplace.
- (4) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:

- (a) On the first conviction be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;
- (b) On the second conviction, at a minimum, be suspended for at least days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;
- (c) On the third conviction, be terminated.

D. Drug Abuse Policy.

- (1) Working under the inappropriate influence of prescription drugs or over-the-counter drugs is a violation of this policy and shall subject the employee to disciplinary action.
- (2) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.
- (3) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 work days.
- (4) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
- (5) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program designated by an employee assistance program, as provided for by the appointing authority's drug testing protocol.
- (6) A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:
 - (a) Be suspended for 5 work days; and
 - (b) Be required to participate successfully in a drug treatment program designated by an employee assistance program.

E. General Sanctions. Any employee otherwise in violation of this Executive Order shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.

- (1) When an appointing authority learns or, based on observation or reliable information, suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the appointing authority shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.

- (2) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education. All appointing authorities shall educate and inform their employees about:

- (1) The dangers of drug and alcohol abuse in the workplace and the community at large;
- (2) The State of Maryland's policy of maintaining a drug-free workplace;
- (3) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
- (4) The penalties that may be imposed upon employees for violations of this Executive Order.

H. Implementation.

- (1) The Secretary of Personnel and the head of every other personnel system in the Executive Branch shall adopt such policies and regulations as are necessary or desirable for the implementation of this Executive Order.
- (2) All appointing authorities are responsible for implementing and enforcing and monitoring compliance with the requirements of this Executive Order.
- (3) All employees are required to acknowledge receipt of a copy of this Executive Order by returning an acknowledgement of receipt to their supervisor for insertion in their personnel file.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 1st day of April, 1991 WILLIAM DONALD SCHAEFER Governor

ATTEST:

WINFIELD M. KELLY
Secretary of State