

**UNIVERSITY OF MARYLAND BALTIMORE COUNTY
SUBSTANCE ABUSE POLICY
AND CAMPUS PLAN**

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 the University of Maryland Baltimore County.

I. GUIDELINES

- A. The University of Maryland Baltimore County (UMBC), as an employer, strives to maintain a workplace free from the illegal use, distribution, or possession of controlled substances. Any person found to be participating in such activity will be subject to administrative disciplinary action. Mandatory counseling and treatment, and/or criminal proceedings.
- B. The use, possession and/or sale of illegal drugs, or the abuse of alcohol and prescription drugs in any way that is illegal, are considered violations of the UMBC Judicial Code and 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 from the University. 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.
- C. 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.
- D. Specific student information regarding the reporting of drug use, penalties and appeal procedures are outlined in the student handbook, Resources

- E. Employee disciplinary measures and appeals for violations of this policy, as well as other policies of the University, are outlined in the Faculty Handbook, the Personnel Policies and Rules for Associate Staff, and the Personnel Policies and Rules for Classified Employees.
- F. In Addition to the University Policy on Substance Abuse, all employees of the University, including student employees, are subject to the State of Maryland Substance Abuse Policy.

II. EMPLOYEE/STUDENT ASSISTANCE PROGRAMS

- A. The University recognizes the importance of individual rights and respects the privacy of employees and students. To this end, 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 and students are encouraged to contact the appropriate program in the event that they have a substance abuse problem. In this way a student or employee can correct the problem before it jeopardizes a job, an education, family or their well being.
- B. 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.

III. ACKNOWLEDGEMENTS

- A. All employees of the University will be certified by the Department of Personnel Services to have received a copy of this policy in addition to the State of Maryland Substance Abuse Policy.

- B. Applications for admission to UMBC will contain the statement “I certify that the information on this application is complete and correct. I agree to abide by the rules, policies and regulations of UMBC, including those concerning drug and alcohol abuse, and understand that the unlawful use of drugs or alcohol will subject me to the penalties contained in those policies and regulations.” Each new student is required to sign the statement to acknowledge the drug and alcohol abuse policies of the University.

IV. EDUCATION

- A. There will be an annual distribution in writing to each student (regardless of the length of the student’s program of study) and employee of:
 - 1. The dangers of drug abuse in the workplace (many students are also employees);
 - 2. The institution’s policy of maintaining a drug-free workplace;
 - 3. Standards of conduct which clearly prohibit, at a minimum, 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. A description of applicable legal sanctions under Local, State or Federal law;
 - 5. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
 - 6. A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs; and
 - 7. A clear statement of the disciplinary sanctions which the institution will impose upon students and employees.
- B. All supervisory faculty and staff will receive training on drug awareness and treatment. This training includes existing as well as new supervisory personnel.

- C. Drug awareness and training will be an integral part of the University's employee and student orientation program.

V. 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 10 days of receiving employee notification or otherwise receiving actual notice of a conviction in V.A.2. 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.

VI. OTHER CONTRACTS

The University is committed to encouraging all non-state entities that do business with the University or otherwise receive funds from the University, to make a good faith effort to eliminate illegal drug abuse from their workplace. Therefore, in accordance with Executive Order 01.01.1989.19, the University shall take whatever action is necessary and appropriate to impose on each recipient of a State contract, grant, loan or other State funding instrument which is administered by the University and not subject to the Board of Public Works' drug and alcohol-free workplace regulations, requirements which are in accordance with applicable Federal and State law and which are substantially the same as those adopted by the Board.

VII. BIENNIAL REVIEW

The UMC Substance Abuse Program will be reviewed every 2 years to (a) determine its effectiveness and implement changes if they are needed, and (b) ensure that sanctions which have been developed are consistently enforced.

VIII. RESPONSIBILITY

The President of UMBC will appoint a Campus Coordinator for all substance abuse and alcohol abuse programs who will be responsible to the President for coordinating the implementation of this policy and the University's Drug-Free Workplace and Drug-Free Campus plans.

IX. CONCLUSION

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

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 5 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