

MORGAN STATE UNIVERSITY
DRUG AND ALCOHOL ABUSE POLICY

Morgan State University (the "University"), is dedicated to providing a campus environment free of the illegal and/or abusive use of alcohol and/or drugs. The illegal and/or abusive use of drugs and/or alcohol by members of the campus community jeopardizes the safety of the individual and the campus community, and is contrary to the academic learning process. Morgan State University is therefore committed to having a campus that is free of the illegal and/or abusive use of drugs and alcohol. In keeping with this commitment, it is the policy of the University that the illegal and/or abusive use of drugs or alcohol is prohibited on University property or as part of University activities. Further, the possession and/or consumption of alcoholic beverages is prohibited on University premises, except as expressly permitted in writing by the President or designee. In order to inform all University employees and students of their responsibilities under this policy, the following information is provided:

- I. Prohibited Conduct.
- II. Disciplinary Sanctions that the University will Impose on Employees and Students.
- III. Applicable Legal Sanctions under Federal, State and Local Laws.
- IV. Health Risks Associated with the Use of Illegal Drugs and/or Abuse of Alcohol.
- V. Drug and Alcohol Counseling, Treatment and Rehabilitation Programs Available on Campus.
- VI. Responsible Administrative Office.
- VII. Effective Date.

I. PROHIBITED CONDUCT

The University prohibits the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs by students and employees on University property or as part of University activities. The possession and/or consumption of alcoholic beverages is prohibited on University premises, except as expressly permitted in writing by the President or designee. Without exception, alcohol consumption is governed by Maryland statutory age restrictions.

A. Employees and students are prohibited from:

- 1. Abusing alcohol or drugs;
- 2. Committing a controlled dangerous substance offense;

3. Committing an alcohol driving offense;
4. Working, attending class or participating in a University activity while under the influence of alcohol;
5. Working, attending class or participating in a University activity while under the influence of prescription drugs or over-the-counter drugs, if such use impairs the participant's ability to participate safely in the class or activity and/or the use is contrary to the prescribed or instructed dosage of the drug;
6. Working, attending class or participating in a University activity while under the influence of a controlled dangerous substance.

B. Federal Drug-Free Workplace Act Requirements

1. The University will not hire anyone who is known to engage in the illegal and/or abusive use of drugs and/or alcohol.
2. When the University learns or suspects, (based on observation or reliable information), that an employee, and/or student employee, has committed a controlled dangerous substance offense, the University shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.
3. When an employee and/or student employee, is taking medically authorized drugs or other substances which may alter job performance, the student or employee, has a duty to notify the appropriate supervisor of that information.
4. All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.
5. An employee charged with an alcohol driving offense or controlled dangerous substance offense shall report to the employee's supervisor no later than five (5) work days after: a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment.
6. The supervisor shall report the final conviction of an alcohol driving offense or a controlled dangerous substance offense¹ immediately to the Director of Human Resources, and in the case of controlled dangerous substance offense only, to the Vice President to whom the supervisor reports and to the Provost and Vice President for Academic Affairs. In the event it is determined by the University that an employee, including a student employee, convicted of a controlled dangerous substance offense which occurred in the workplace, was employed in the performance of a federal contract or grant in excess of twenty-five thousand dollars (\$25,000.00), the Provost and Vice President of Academic Affairs shall notify the sponsoring agency within ten (10) days of receiving notice from the employee or otherwise receiving actual notice thereof.

¹"Controlled substances" and "illegal and/or abusive use of drugs" prohibited under this policy are those set forth in Schedules I through V in Title 5-401, et.seq. of the Annotated Code of Maryland.

II. DISCIPLINARY SANCTIONS

A. Students

A student, who is determined to have violated the University's Drug and Alcohol Policy, is subject to sanctions outlined in the University Code of Student Conduct & Disciplinary Procedures, which may include, but are not limited to suspension or expulsion from the University.

B. Employees

In General. Any employee found to have abused drugs and/or alcohol in the workplace shall be subject to disciplinary action set forth in applicable University personnel policies, including, but not limited to: the University Faculty Handbook, Personnel Manual for Executive and Professional Administrative Staff, and the University Classified Employees Manual. Potential disciplinary actions include, but are not limited to, suspension and termination from University service. As a condition of continued employment, the University may require an employee to participate successfully in a drug abuse assistance or rehabilitation program. Violation of this policy may also lead to referral for prosecution to the appropriate federal, state, and or local authorities.

Sensitive Employees.

- a. "Sensitive employee" is defined as an employee whose classification or position has been designated sensitive by the University. "Sensitive classification" means a classification in which the President has determined that any of the following conditions exist:
 - (1) An employee in the classification has a substantially significant degree of responsibility for the safety of others and there is a potential that impaired performance of the employee could result in death of or injury to the employee or others;
 - (2) An employee in the classification is required to carry a firearm;
 - (3) An employee in the classification is directly involved in efforts to interdict the flow of narcotics; or
 - (4) An employee in the classification who is directly involved with narcotics law enforcement.
- b. The first time a sensitive employee is convicted of an at-the-workplace alcohol driving offense, or found under the influence of alcohol while at-the-workplace, the employee shall be suspended for fifteen (15) days and required to participate successfully in an alcohol treatment program designated by Office

of Human Resources.

c. A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:

(1) On the first conviction be referred to the Office of Human Resources, and in addition, be subject to any other appropriate disciplinary actions;

(2) On the second conviction, at a minimum, be suspended for at least five (5) days, be referred to the Office of Human Resources, 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;

(3) On the third conviction, be terminated.

A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.

A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for fifteen (15) work days and be required to participate successfully in a drug treatment program designated by the Office of Human Resources.

A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:

Be suspended for five (5) work days; and

Be required to participate successfully in a drug treatment program designated by the Office of Human Resources.

III. APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE AND LOCAL LAWS RELATING TO ALCOHOL AND DRUG USE.

Employees and students at the University are subject to federal, state, and local laws regarding the possession and distribution of illegal drugs.

Federal law states that it is unlawful to possess a controlled dangerous substance, including marijuana, cocaine, LSD, PCP, heroin, designer drugs, etc.² 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 \$1000.00 and/or imprisonment up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be liable for an amount up to \$10,000.00 in civil penalties.

In addition to Federal laws, the State of Maryland has its own laws dealing with

² Federal Law Title 21 U.S.C. Sections 841 and 844 to 859.

distribution, manufacturing, and possession of controlled substances. For instance, any person who unlawfully manufactures or distributes any narcotic drug may be fined up to \$25,000.00 and may be imprisoned for up to 20 years for a first offense.³

Employees and students at the University are subject to state and local laws for drinking and obtaining alcohol. It is illegal in the State of Maryland for any person under 21 years of age to drink alcohol.⁴ It is also illegal for a person under 21 years of age to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them.⁵ It is also illegal in most situations to furnish alcohol to a person under 21 years of age.⁶ The penalty is a fine of up to \$500.00 for a first offense, and up to \$1000.00 for repeat offenses.

In addition, state law dictates that it is illegal 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 \$100.00.⁷ It is also illegal to consume alcohol on any public property or highway, unless authorized by the governmental entity which has jurisdiction over the property, with penalties including a fine of up to \$100.00.⁸

³Md. Ann. Code, Criminal Law, Section 5-608 (Felony Drug Distribution)

⁴Md. Ann. Code, Criminal Law, Section 10-114 (Underage Drinking)

⁵Md. Ann. Code, Criminal Law, Section 10-113 (Using False ID to Purchase Alcohol)

⁶Md. Ann. Code, Criminal Law, Section 10-117 (Furnishing Alcohol to Minors)

⁷Md. Ann. Code Art. 2B, Sections 19-301, 19-302. (Open Container Law)

⁸Md. Ann. Code Art. 2B. Sections 19-203 to 19-204. (Public Drinking)

Employees and students are also subject to state and local laws governing drinking and driving. A person may not drive or attempt to drive while intoxicated or under the influence of alcohol.⁹ Individuals under 21 years of age with a blood alcohol level ("B.A.L.") of only .02 (approximately 1 drink) will be charged with a violation of restricted license and result in suspended license until the age of 21 years.¹⁰ Any individual with a B.A.L. of .07 or more will result in a violation of Driving While Under the Influence.¹¹ A B.A.L. of .10 or more will result in a violation of Driving While Intoxicated.¹² Any of these violations will result in fines, imprisonment, or both.

It is also unlawful to drive while under the influence of any Controlled Dangerous Substances whether or not they are illicit (prescribed or unlawfully obtained).¹³ A person can still be charged with these violations even though they possess a driver's license from another state.

IV. HEALTH RISKS ASSOCIATED WITH THE USE AND ABUSE OF ALCOHOL AND ILLICIT DRUGS

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

Substance abuse and substance dependence are two different phenomena, as delineated below. Taken together, however, they are the leading cause of death, dysfunction and disability for much of the working-age population individuals between the age of 18 and 50.

Substance abuse is a practiced behavior involving intoxication and high risk actions. Substance abuse is a pattern of behavior (not a disease) which involves use of alcohol or drugs to levels of disinhibition and associated high risk actions. Substance abuse is periodically practiced by twenty to eighty percent of the people who are between 20 and 40 years old.

⁹Md. Ann. Code Transportation Art., Section 21-902. (DUI Penalty if Under 21)

¹⁰Md. Ann. Code Transportation Art., Section 16-113(b). (Suspension of License if DUI)

¹¹Md. Code Courts and Judicial Proceedings Art., Section 10-307(d). (DUI)

¹²Md. Ann. Code Courts and Judicial Proceedings Art., Section 10-307(e). (DUI)

¹³Md. Ann. Code Transportation Art., Sections 21-902(c)(d). (driving Under Influence of a CDS)

Substance dependence is a disease that responds to treatment and relapses when treatment is stopped. Substance dependence is a disease affecting ten to twelve percent of the population, resulting in an intermittent inability to control the use of alcohol or drugs, with repetitive adverse consequences. As a disease, it has defined risk factors, signs and symptoms, a predictable natural history, a good response to treatment if treatment is effectively embraced, and a risk of relapse if the treatment regimen is not followed. More detailed information may be obtained by calling the: Campus Counseling Center

V. DRUG AND ALCOHOL PROGRAMS AVAILABLE ON CAMPUS

Detailed information regarding the University's substance abuse programs may be obtained by contacting the campus:

Counseling Center

The Counseling Center provides information, counseling, and referral services for students.

Student Health Services Campus Infirmary

The Student Health Services provide short-term counseling, health education, and referrals. Physicians, psychologist, and nurses are available to provide immediate counseling as well as educational material related to drug and alcohol abuse.

and/or

Office of Human Resources Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential service provided to help State employees who are facing personal situations that affect their lives and job performance.

VI. RESPONSIBLE ADMINISTRATIVE OFFICE

The Policy on Drug and Alcohol Abuse shall be distributed annually as follows:

To Students by the Office of the Vice President for Students Affairs

To Faculty and Staff Office of Human Resources.

The Director of Human Resources shall conduct a biennial review (every two years) of the University's policy and its implementation and shall report to the President on the effectiveness of the program, including a determination that the policy and applicable disciplinary sanctions are being followed. The report shall also include recommendations for corrective action or additional activities to enhance the program's effectiveness. The Director of Human Resources and the Vice President of Student Affairs shall be responsible for overseeing all actions and programs relating to this policy.

VII. EFFECTIVE DATE

The effective date of this policy shall be **May 4, 2010**. All preceding Morgan State University Drug and Alcohol Policies are hereby repealed.