

SUBSTANCE ABUSE POLICY

Frostburg State University is committed to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end. Illegal or abusive use of drugs or alcohol by members of the university community severely limits their educational and human potential and their ability to achieve educational career and personal goals, jeopardizes the safety of the individual and the university community, and adversely affects the mission of the university. Frostburg State University is therefore committed to having a campus that is free of the illegal or abusive use of drugs and alcohol. Toward that end, it is the policy of the university that the illegal or abusive use of drugs or alcohol by employees and students is prohibited on university property or as a part of any university activity whether on or off campus.

In accordance with the university's responsibilities under the Federal Drug-Free Schools and Communities Act Amendment of 1989, and the Maryland Higher Education Commission's Policies Concerning Drug and Alcohol Abuse Control, the university provides the following information to its employees and students.

STANDARDS OF CONDUCT

The terms "controlled substances" and "illegal drugs" prohibited under this policy are those set forth in Article 27 of the Annotated Code of Maryland.

A. Employees

The following policies and rules are consistent with those mandated under the Federal Drug Free Workplace Act of 1988 and the State of Maryland Substance Abuse Policy: Executive Order 01.01.199116.

1. Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the workplace.
2. All employees must report to work in a fit condition to perform their duties. Reporting to work and/or working under the influence of a controlled substance or under the inappropriate influence of prescription drugs or over-the-counter drugs, is a violation of the State of Maryland Substance Abuse Policy and will subject the employee to disciplinary action.

3. All employees on official university business, on or off the workplace, are prohibited from purchasing, transferring, using, or possessing illegal drugs or from abusing alcohol or prescription or over-the-counter drugs in any way that is illegal.
4. Any employee charged with an alcohol driving offense or a controlled dangerous substance offense must report a finding of guilty, and acceptance of a plea of nolo contendere, or a probation before judgment to their immediate supervisor within five (5) work days of that finding or plea. That information must immediately be reported to the Director of Human Resources and to the Director of the Office of Contracts and Grants by the supervisor of the employee affected. In the event it is determined by the university that an employee who has been finally convicted of violating a criminal drug statute was employed in the performance of a federal contract or grant the Director of the Office of Contracts and Grants shall notify the sponsoring federal agency within ten days of receiving notice from the employee or otherwise receiving actual notice thereof.
5. All employees convicted of off-the-job drug or alcohol offenses are in violation of the State of Maryland Substance Abuse Policy and will be subject to disciplinary action.
6. Where justified by observation or reliable information, suspected controlled dangerous substance or alcohol offenses committed by an employee at the workplace shall be referred to an appropriate law enforcement authority for further investigation and prosecution. All employees must cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use.
7. All university employees are required to acknowledge receipt of the State of Maryland Substance Policy as a condition of employment.
8. The university shall not knowingly hire anyone who currently abuses drugs or alcohol.

B. Students

1. Students shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled dangerous substance while on campus or at a university sponsored activity.

2. Students shall not possess or use drug paraphernalia on campus or at a university sponsored activity.
3. Students shall not possess, purchase or consume any alcoholic beverages on campus or at a university sponsored activity unless they are 21 years of age or older.
4. Violations of the University's Alcoholic Beverages Policy, as contained in the Pathfinder, or as from time-to-time amended, shall be considered a violation of this policy and the University Standards of Personal and Group Conduct.
5. Violations of the above policies which occur off-campus may be considered a violation of the University Standards of Personal and Group Conduct where such violation interferes with the mission of the University and presents a danger to the health, safety and well-being of others. Students convicted of federal, state and/or local alcohol or drug laws on or off campus also violate the University Standards of Personal and Group Conduct and may be subject to appropriate disciplinary action. Students accused of violating a federal, state and/or local drug law on or off campus which is considered a felony under federal, state or local law, may face disciplinary action under the University Standards of Personal and Group Conduct, including interim suspension pending a university hearing, prior to or concurrent with any criminal proceeding.
6. Possession or use of alcohol in university residence halls is prohibited in all residence halls that have been designated as alcohol free. In all other residence halls, alcohol may be consumed only by persons 21 years of age or older, and with the following limitations:
 - a. Alcohol may not be consumed in a room where any guest (non-occupant) under the age of 21 is present;
 - b. Alcohol may not be consumed in residence hall hallways, corridors, stairwells, common bathrooms, elevators and any public place;
 - c. Alcohol may not be brought into residence halls by guests or visitors;

Violation of these policies and other duly adopted policies relating to the consumption of alcohol in university residence halls will be considered a violation of the Residence Hall Contract and the University Standards of Personal and Group Conduct.

DISCIPLINARY SANCTIONS

A. Employees

1. Employees will not be terminated for voluntarily seeking assistance for a substance abuse problem. However, continued unacceptable job performance, attendance and/or behavior problems shall result in disciplinary action up to and including termination.
2. Any employee found to be in violation of any of the provisions of this policy shall be subject to progressive disciplinary action under applicable university personnel policies for faculty, classified employees and unclassified administrative staff. Disciplinary action includes sanctions up to and including termination. As a condition of continued employment, the university may require an employee to successfully participate in a substance abuse assistance or rehabilitation program.
 - a. Those employees who are assigned to designated sensitive classes and who are found to have worked under the influence of a controlled dangerous substance and/or are convicted of any controlled dangerous substance offense shall be terminated.
 - b. Violations of certain provisions of the State of Maryland Substance Abuse Policy require implementation of a prescribed sanction, depending upon the nature of the violation, the category of employee committing the violation, and the number of previous violations. Please refer to the State of Maryland Substance Abuse Policy.

B. Students

1. Any student found to be in violation of any of the applicable provisions of this policy shall be subject to progressive disciplinary action through the University Judicial System. One or more of the sanctions for violations of the University Standards of Personal and Group Conduct listed in the 1993-95 Pathfinder may be imposed, including probation, suspension or expulsion from the University. As a condition of continued enrollment, the University may require a student to participate in a substance abuse education, assistance or rehabilitation program.
2. The University may suspend on an interim basis and/or remove from campus housing a student accused of violating this policy pending a hearing on the violation if it determines that the student's continued presence on campus constitutes a threat to the health, safety or welfare of the student or others or the welfare of the University, its property or personnel.

3. The University reserves the right to conduct disciplinary hearings and take disciplinary action against students who have been charged with violating a federal, state or local drug or alcohol law before during or after any civil or criminal proceeding or resolution of those charges occur.

LEGAL SANCTIONS UNDER FEDERAL STATE AND LOCAL LAWS

A. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance: 21 U.S.C. 844(a)

- First conviction: up to one year imprisonment and fined at least \$1,000, but not more than \$100,000 or both.
- After one prior drug conviction: at least 15 days in prison, not to exceed two years, and fined at least \$2,500, but not more than \$250,000, or both.
- After two or more prior drug convictions: at least 90 days in prison, not to exceed three years and fined at least \$5,000, but not more than \$250,000, or both.
- Special sentencing provisions for possession of crack cocaine: mandatory at least five years in prison, not to exceed 20 years, and fined up to \$250,000, or both if:
 - a. first conviction and the amount of crack possessed exceeds five grams;
 - b. second crack conviction and the amount of crack possessed exceeds three grams;
 - c. third or subsequent crack conviction and the amount of crack possessed exceeds one gram.

21 U.S.C. 853(a)(2) and 881 (a) (7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

21 U.S.C. 881 (a) (4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844 (a)

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853 (a)

Denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922 (g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested within the authorities of individual federal agencies.

B. Federal Penalties and Sanctions for Trafficking of Controlled Substances. A summary of federal trafficking (i.e. distribution) penalties for substances covered by the Controlled Substances Act (21. U.S.C. 811) is attached as Table 1.

C. State Penalties and Sanctions for Illegal Possession or Trafficking of Controlled Substances. The State of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances. A summary of these laws is attached as Table 2.

D. State Penalties and Sanctions Relating to Alcohol

1. It is illegal in the State of Maryland 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. See Article 27, Sections 400 to 403B, Maryland Annotated Code. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

2. Persons are prohibited from drinking any alcoholic beverage while on public property, unless authorized by the governmental entity that has jurisdiction over the property; in the parking area or on the mall or other area outside of a shopping center or other retail establishment, unless authorized by the owner; or in a parked vehicle located on any of the places listed above, unless authorized. See Article 2B, Section 211, Maryland Annotated Code. The penalty is a fine not exceeding \$100.
3. Persons are prohibited from possessing in an open container any alcoholic beverage on the mall, adjacent parking area or other outside area of a shopping center unless authorized by the owner; or in any parked vehicle located on any of the places listed above, unless authorized. See Article 2B, Section 214. The penalty is a fine not exceeding \$100.

E. Local Penalties and Sanctions Relating to Alcohol

See Section D3 above.

HEALTH RISKS

Substance abuse is now recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospital and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This includes deaths from stroke, diseases 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.

Types of Drugs & Health Risks

- Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), Other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP, and MDA). Health Risks: psychologically and physically addictive, depression, withdrawal symptoms, convulsions, death, unpredictable behavior with hallucinogens, possible damage to unborn fetus.

- Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembutal, Cocaine, Amphetamines, and other opium and opium extracts and narcotics. Health Risks: Psychologically and physically addictive; withdrawal symptoms, convulsions, respiratory failure, frequent accidents, possible damage to unborn fetus; death; cocaine and amphetamines increase blood pressure which can lead to irregular heartbeat and death; amphetamines can cause agitation increase in body temperature, hallucinations, convulsions, possible death.

AVAILABLE DRUG AND ALCOHOL PROGRAMS

1. Student and Employee Assistance Programs

Frostburg State University believes that members of the university community who use illegal drugs or abuse drugs or alcohol severely limits their educational and human potential and their ability to achieve educational, career and personal goals. The Frostburg State University Alcohol/Drug Education Coordinator, through the Substance Abuse Facts and Education Office (SAFE), provides educational programs and activities for all members of the university community to increase their knowledge, awareness and understanding of drugs and alcohol.

Students may receive confidential and professional counseling through the University Counseling Services. Referrals and information concerning community resources are available through Counseling Services or the SAFE Office.

Employees may receive consultation and referral by Counseling Services, the SAFE Office, Human Resources Office or Allegany County Health Department.

2. Information and programs are provided to enhance awareness and education concerning abuse prevention. Intervention efforts consist of substance abuse workshops, assessment, referrals to campus and community agencies, and involvement with support groups such as AA, Adult Children of Alcoholics, NA and others. The program also offers a resource library to provide information about alcohol and other drug use and abuse.

BACCHUS/SAFE – FSU 689-4751, contact: Mr. Don Swogger. BACCHUS (Boosting Alcohol Consciousness Concerning the Health of University Student) SADD (Students Against Drunk Driving) is a volunteer student organization offering peer education to FSU students concerning substance abuse issues.

COUNSELING CENTER – FSU 689-4234, contact Dr. Spencer Deakin

The Counseling Center provides short-term counseling, therapy and referral services for students. In addition, we provide educational and consultation services for students and staff.

ADMINISTRATION OF POLICY

This policy will be distributed annually to all employees and students taking one or more classes for any type of academic credit except for continuing education units. This policy will be reviewed by the University on a biennial basis to determine its effectiveness and implement changes if they are needed, and to ensure that disciplinary sanctions are consistently enforced.

TABLE 2

APPLICABLE SANCTIONS UNDER STATE LAW FOR POSSESSION OR DISTRIBUTION OF CONTROLLED DANGEROUS SUBSTANCES

(Art. 27, 286, Ann. Code of MD (1992 Supp.) 1

TRAFFICKING

Schedule/Penalty- 1st Offense & 2nd Offense

I & II (except PCP) which is a narcotic drug: 1st offense Not more than 20 years; fine of not more than \$25,000. or both. Twice that otherwise authorized, but not less than 10 years

PCP or LSD. Not more than 20 years; fine of not more than \$20,000 or both. Twice that otherwise authorized, but not less than 10 years.

Any other controlled dangerous substance classified in Schedule I, II, III, IV, or V. Not more than 5 years; fine of not more than \$15,000 or both. Twice that otherwise authorized, but not less than 2 years.

For the manufacture, distribution, dispensation or possession with intent to distribute the following:

- a. 50 pounds or more of marijuana
- b. 448 grams or more of cocaine or cocaine mixture
- c. 28 grams or more of morphine or opium mixture
- d. 1000 dosage units of lysergic acid diethylamide or mixture
- e. 16 ounces or more of phencyclidine in liquid form
- f. 448 grams or more of any mixture containing phencyclidine
- g. 448 grams or more of methamphetamine or mixture

Penalty: 1st offense no less than 5 years or if "drug kingpin" not less than 20 years nor more than 40 years; fine of not more than \$1,000,000. 2nd offense twice that otherwise authorized by law.

A person who manufactures, distributes, dispenses or possesses with the intent to distribute a controlled substance dangerous substance in, on, or within 1000 feet of an elementary or secondary school will be subject to an additional term of not more than 20 years or a fine of not more than \$20,000 or both for a first offense, and a term for not less than 5 or more than 40 years or a fine of not more than \$40,000 or both for a second offense. (Art. 27, 286D, Ann. Code of MD (1992) 1.

Certain barbiturates such as amobarbitol and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #2, and codeine-based cough suppressants such as Tussionex and Hycomine, and all anabolic steroids. Psychologically and physically addictive; potential liver damage, nausea and vomiting, dizziness, dis-orientation, shallow breathing, cold and clammy skin, coma, possible death; withdrawal symptoms include anxiety, tremors, insomnia, convulsions, possible damage to unborn fetus.

Barbiturates, narcotics and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranxene, Serax, Ionamin (yellow jackets). Psychologically and physically

addictive; drowsiness, withdrawal symptoms, tremors, abdominal and muscle cramps, insomnia, anxiety, convulsions, possible death; possible damage to unborn fetus.

Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium and atropine, such as terpine hydrate with codeine, robitussin AC. Psychologically and physically addictive; nausea, gastro-intestinal symptoms, drowsiness, withdrawal symptoms, including runny nose, watery eyes, panic, chills, cramps, irritability, nausea, possible damage to unborn fetus.

Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol. Psychologically addictive; increased risk of lung cancer, bronchitis, and emphysema; contributes to heart disease, fatigue, paranoia, possible psychosis, withdrawal symptoms including insomnia, hyperactivity and decreased appetite; depression of the immune system; decreased sperm count in men and irregular ovulation in women.

TYPES OF ALCOHOL AND HEALTH RISKS

- Malt beverage is beer, ½ of 1% to 6% alcohol
- Unfortified Wine is wine not more than 17% alcohol
- Fortified Wine is wine of not more than 24% alcohol
- Spirituous Liquor is distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin, etc.
- Mixed beverage is a drink composed in whole or part of spirituous liquor and served at restaurants, hotels and private clubs licensed by the state.

Health Risks: Psychologically and physically addictive; respiratory depression; depression of the immune system; increased risk of heart disease; cancer, accidents, hypertension; brain damage; damage to unborn fetus; impotence at high dosage levels.

POSSESSION

(Art. 27, 287 Ann. Code of MD)

Substance and Penalty:

Any controlled dangerous substance except marijuana: 1st offense not more than 4 years, fine of not more than \$25,000, or both. 2nd offense twice that otherwise authorized.

Marijuana: 1st offense not more than 1 year; fine of not more than \$1,000 or both. 2nd offense twice that otherwise authorized.

MISCELLANEOUS

Individuals who have been convicted of a controlled dangerous substance offense on or after January 1, 1991 are required to disclose that fact when applying for a license or license renewal. The licensing authority may refuse to issue the license or impose appropriate conditions on the license (except for non-commercial driver's licenses).

For a list of controlled dangerous substances and their corresponding schedules, see Article 27, 279 of the Maryland Annotated Code.

Federal/State Law