

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 [USM Policy on a Drug and Alcohol-free Workplace for Employees \(VII-1.10\)](#), 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 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, an 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 Chief Human Resources Officer 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. Expectations for standards of conduct for students are found on the [Community Standards Policy Statements](#) on the [Student Affairs](#) webpage.

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 and 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. Disciplinary sanctions for students are found through the [Community Standards Policy Statements](#) on the [Student Affairs](#) webpage.

LEGAL SANCTIONS UNDER FEDERAL AND STATE LAWS

A. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

1. Federal penalties and sanctions for illegal possession of a controlled substances can be found under the following sections of the United States Code: 21 U.S.C. 844(a); 853(a)(2); 881(a)(7); 881(a)(4); and 18 U.S.C. 922(g).

B. State Penalties and Sanctions Relating to Controlled Substances

1. State sanctions related to controlled substances can be found through the [Annotated Code of Maryland](#).

C. [MD Impaired Driving Law](#)

HEALTH RISKS

Substance abuse is recognized as a significant public health problem in the United States. Data regarding substance abuse can be found at the [National Center for Drug Abuse Statistics](#). Early detection can minimize or prevent the devastating consequences of substance abuse.

AVAILABLE DRUG AND ALCOHOL PROGRAMS

1. Employee and Student 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 Director, 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 and Psychological Services](#) or the [SAFE Office](#).

Employees may receive consultation and referral by the [Office of Human Resources](#), [Allegany County Health Department](#), health insurance carrier, or primary care healthcare provider.

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.