

2022 Annual Drug Free Notice
2022 Notice of Students and Employees Related to Drug and Alcohol Program
Sent to all students and employees
9.7.22 and 2.2.23

McDaniel College is committed to making a good faith effort on a continuing basis to maintain a drug-free campus and workplace.

Consistent with federal policy related to the College's eligibility to disburse federal aid to our students, McDaniel College provides a drug-free workplace, including—

- a drug-free awareness program that provides information to employees regarding the prevention of drug and alcohol abuse,
- a notice distributed annually to our employees of prohibited unlawful activities and the College's planned actions against any employee who violates these prohibitions, and
- a policy of notifying the Department of Education and taking appropriate action when it the institution learns of an employee's conviction under any criminal drug statute.

McDaniel College prohibits the unlawful possession, use or distribution of drugs and alcohol by students and employees on the College's property, or as part of the College's activities.

Students and employees who violate College policies, or local, state and federal laws related to possession, use or distribution of illicit drugs or alcohol face potential sanctions up to and including expulsion (for students), termination of employment (for employees), and referral for prosecution by local, state or federal authorities.

The use of illicit drugs and alcohol is accompanied by health risks. Research shows an association between drug use and [traffic crash deaths](#), [lost productivity](#) and [poorer academic performance](#). Illicit drug use also contributes to [HIV-transmission rates](#) and puts [children at risk](#) for abuse and neglect. McDaniel College makes available drug and alcohol counseling, treatment, and rehabilitation programs for students (through the department of student health and wellness) and employees (through the College's employee assistance program or EAP).

With regard to contracted employees, the College expects agencies' policies to meet or exceed those of McDaniel College related to maintenance of a drug-free workplace. McDaniel College reserves the right to take action as appropriate to ensure compliance with its workplace policies and procedures.

**Policies Pertaining to McDaniel College Employees:
Drug-Free Workplace and Substance Abuse Testing Policy**

The College is committed to maintaining a safe workplace free from alcohol and drug abuse. It is expected that employees will follow all federal, state and local laws related to alcohol and drug use. Employees, including student workers, are prohibited from

- possessing,
- using,
- distributing and/or
- working under the influence of alcohol, other intoxicant(s), illegal drug(s) or prescription drug(s), other than ones that are lawfully prescribed by a physician and

taken in accordance with that prescription without side effects negatively that impact an employee's ability to perform his/her duties

In rare circumstances, there may be special events in which alcohol may be served at an on-campus event sponsored by the College that have been pre-approved by the respective senior administrator (President, Provost, Vice President, or his or her designated representative), who will provide clear guidelines for the event. Employees that are assigned specific duties during these special events are expected to maintain a professional image throughout the event.

Under no circumstances may alcoholic beverages be served or made available to any underage students at any time on or off campus. This includes all college sponsored events on-campus and off-campus as well as any informal circumstances such as casual dinners and community events not sponsored by the college. College personnel who observe what they believe to be underage drinking must report this to the appropriate office.

Information on serving alcohol through third-party vendors and the College's contractual obligations with the dining services contractor, AVI Foodsystems, is available through the Office of Campus Life.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (usually referred to as illegal drugs listed under the federal Controlled Substance Act) is prohibited on College property and is cause for employee discipline up to and including termination from employment.

For purposes of this policy, "Substance Abuse" shall include reporting for duty, possessing, distributing or being on duty after having used, abused or ingested alcohol and/or illegal drugs (e.g., marijuana, cocaine, crack, narcotics, PCP, hallucinogens, or other controlled substances), lawful drugs and/or medications taken without a valid prescription or not in accordance with the prescription for that drug or medication. For purposes of this policy, whenever an applicant or employee tests "positive," he or she will be considered as using, abusing or ingesting the prescribed substances in violation of this policy. "Possession" shall include possession in lockers, clothing, other property or vehicles parked or located on the College premises.

B. In compliance with the Drug-Free Workplace Act of 1988, and as a condition of employment with the College, all persons employed by the College are required:

1. To abide by the prohibition contained in item A, above; and
2. To notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring on College property no later than five days after such conviction.

C. Any employee whose use of controlled substances away from the College can reasonably be established to be the cause of poor attendance or performance problems is to be counseled to seek rehabilitation from available the College or community resources.

D. When notice of a criminal drug statute conviction of an employee for a violation occurring on College property is received, the Director of Human Resources will coordinate compliance with the reporting requirements of the Drug-Free Workplace Act of 1988.

E. An employee convicted of the criminal drug statutes occurring on College property is subject, within 30 days of notice of such conviction, to disciplinary action up to and including termination, and/or the employee will be required to complete treatment as recommended by the employee assistance program.

F. The Office of Human Resources shall make available contact information to the employee assistance program which provides community resources for drug abuse assistance or rehabilitation programs. In addition, the Office of Human Resources shall provide employees with information about the dangers of drug abuse in the workplace.

2. Employees are subject to the following testing:

* Random Testing: All safety sensitive positions are subject to random substance abuse testing and will be selected in a manner as determined by the College. This includes all employees in Campus Safety, Physical Plant, Grounds, Steam Plant, Chemical Lab Manager, Director of Risk Management/Environmental Health & Safety, Biology Lab Manager, Fire Safety Officer, Technical Director of the Theater and Purchasing. Employees in these safety sensitive positions must notify the Office of Human Resources when prescribed any medications that may impair their ability to perform their job duties safely. A fitness for duty exam paid for by the College may be required to evaluate the impacted employee's ability to safely perform their duties.

* Suspicion Testing: All employees may also be required to undergo substance abuse testing, if in the sole opinion of the College, the employee's behavior, work performance or other factors warrant such testing.

* Post Accident/Injury Testing: The College may require a substance abuse test for any employee incurring an on-the-job injury requiring medical attention and/or treatment. Employees damaging property by accident or carelessness may also be subject to testing.

3. Substance Abuse Testing Procedure

All testing will be conducted pursuant to the requirements of applicable law. In particular, the College will generally follow these procedures:

Reporting for Test: The applicant and/or employee will be directed to report immediately (within 1/2 hour) to the designated testing facility and/or a medical clinic. Transportation will be provided for the employee by the College, and the employee will remain "on-the-clock" during the testing procedure.

Conduct of the Test: A medical professional or other appropriate person will conduct the test in accordance with all applicable standards and/or regulations.

Test Results: In the event of a positive result, the applicant and/or employee will be given (1) a copy of the results, (2) a copy of this Policy, (3) written notice of the College's intentions, and, (4) the following notice:

Verification of test results.--(1) A person who is required to submit to job-related testing may request independent testing of the same urine or blood sample for verification of the test results by a laboratory that:

- (i) Holds a permit under Maryland law; or
- (ii) If located outside of the State, is certified or otherwise approved for use under Maryland law.

4. Positive Test Results

A substance abuse test shall be considered “positive” if it reveals the presence of illegal drugs, lawful drugs and/or medications taken without a valid prescription or not in accordance with the prescription, or the presence of alcohol in a degree which, in the College’s opinion, would impair the individual’s ability to effectively perform his or her job or otherwise present a safety risk to the individual or others.

For any Employee with Less Than Five Years’ Service: Any employee who receives a positive test result who has been with the College for less than five years or works in Campus Safety, Physical Plant, Grounds, Steam Plant, Chemical Hygiene Officer, or Purchasing will be subject to immediate termination.

For Any Employee with Five or More Years’ Service: Employees that receive a positive test result who have been with the College for more than five years are subject to immediate termination in most instances. If the employee is not in a safety sensitive position, (Campus Safety, Physical Plant, Grounds, Steam Plant, Chemical Hygiene Officer or Purchasing), then the division Vice President and the Director of Human Resources may delay the termination pending the employee having an evaluation completed with the Employee Assistance Program. To maintain employment, the employee will be required to complete all recommended treatment. Treatment recommended beyond the Employee Assistance Program will be paid for by the employee or the employee’s health insurance coverage. If the employee fails to complete the treatment program, he or she will be subject to immediate termination. In the event the employee fails a subsequent substance test, he or she will be subject to immediate termination without any further treatment opportunity.

5. Refusal to Take a Requested Test

Any employee refusing to be tested upon request shall also be subject to immediate termination, regardless of the employee’s tenure with the College.

Any employee who unreasonably delays taking a test, provides false or incomplete information in connection with the test or otherwise refuses to cooperate in taking the test will be considered as having refused to be tested and will be subject to immediate termination.

Policies Pertaining to McDaniel College Students:

Zero Tolerance Drug Policy

The College does not tolerate the possession, use, sale, or distribution of controlled substances (drugs). When staff become aware of the presence of drugs on campus, they are required to notify the

Westminster Police Department. Law enforcement authorities follow legal police procedures in investigating such matters, including searches.

College Alcohol Policy

McDaniel College entrusts to its students the responsibility of compliance with state, county, and municipal laws concerning the purchase, possession, consumption and transport of alcoholic beverages. It is expected that alcoholic beverages will be used in moderation, at suitable times, and under decorous conditions. Public intoxication is prohibited.

Maryland Law in Brief

Under Maryland state law, persons 21 years of age can purchase, possess, and consume alcoholic beverages. Any underage individual drinking, purchasing, or possessing alcoholic beverages is subject to a fine. Borrowing or falsifying identification constitutes a crime. Procuring alcoholic beverages for underage persons is also prohibited by law.

Policy Violations

Failure to comply with state, county, or municipal alcoholic beverage laws may result in disciplinary action through the Student Conduct Process and/or legal action through the appropriate district court.

McDaniel College is committed to maintaining a drug-free environment. The Federal Drug-Free Schools and Communities Act Amendments of 1989 require that the College notify students and employees of College policies and sanctions, legal sanctions, health risks and community rehabilitation services associated with the use of illicit drugs and the abuse of alcohol. Students may seek further information and assistance at the Wellness Center, or the Office of Campus Life.

Every two years, McDaniel College will review its drug free workplace policy to determine its effectiveness, implement any needed changes, and ensure that the student conduct sanctions described below are consistently enforced. The report includes review of the number of drug and alcohol-related violations and fatalities that occur on campus or as part of the College's activities, and that are reported to campus officials; and the number and type of sanctions that were imposed by the College as a result of drug and alcohol-related violations and fatalities on campus or as part of any of the College's activities. The most recent Drug Free Schools and Communities Act Biennial Review Report is available on the My McDaniel Portal on the Student Affairs page.

Standards of Conduct

The College's prohibit the "possession, use, sale or distribution of controlled substances (drugs)." In addition, the Code of Student Conduct prohibit "violations of published rules governing College residence halls, traffic and any other regulations that may be enacted or published, and violations of municipal, state or federal laws ... [and] unauthorized possession of kegs or other multi-liter containers anywhere on campus or violation of alcohol policy." The College Alcohol Policy states that "under Maryland state law, persons 21 years of age can purchase, possess, and consume alcoholic beverages. Any underage individual drinking, purchasing, or possessing alcoholic beverage is subject to fine or imprisonment. Borrowing or falsifying identification constitutes a crime. Procuring alcoholic beverages for underage persons is also prohibited by law. Failure to comply with state, county, or municipal alcoholic beverage laws may result in referral to the Student Conduct Process and/or legal action through the appropriate civil authority." In addition to state laws, alcoholic beverages on campus are limited. Alcoholic beverages are not permitted in any public areas of the campus, nor is any alcoholic

beverage permitted in the public areas of residence halls or in Rouzer, Whiteford, or Daniel McLea Halls or any housing designated as substance free. Hard liquor is prohibited on campus. Refer to the [College Alcohol Policy](#) for more details.

College Sanctions for Violation

Sanctions are imposed appropriate to instances of student misconduct, ranging from warning to expulsion. College policy requires that any illicit drugs found on campus be turned over to local law enforcement authorities, likely resulting in legal action. Minimum sanctions for possession of illegal drugs range from a \$150 fine, parental notification, disciplinary probation to expulsion. Minimum sanctions for violations of the College alcohol policy include fines, mandatory alcohol education, disciplinary probation, and suspension from the college.

Legal Sanctions of Unlawful Possession, Use, or Distribution of Illicit Drugs and Alcohol

Possession and/or distribution of controlled substances and illegal drugs can subject a student to fines that exceed \$25,000 and prison terms of as many as 20 years, depending on the type of drug and the circumstances of the criminal act or acts involved. Maryland State law provides for fines of up to \$1,000, again depending on the circumstances, when alcoholic beverages are provided to underage students by individuals over 21 years old.

Health Risks Associated with the use of Illicit Drugs and Abuse of Alcohol

Alcohol can pose both short-term and long-term health risks. As a sedating, or depressant drug, alcohol slows functioning of the brain and central nervous system. In the short-term, how alcohol affects a person is dependent on how much and how quickly he/she consumes it. The gender, size, and other factors in the drinker impact how quickly alcohol is absorbed and eliminated from the body, as well. Even one or two drinks can impair one's reasoning. As more and more alcohol is absorbed by the body, impaired speech, loss of coordination, impaired sexual functioning, dysphoria, and loss of inhibitions are exhibited. Alcohol use, particularly "binge-drinking" or high-risk use, can lead to serious short-term health consequences. These include falls, injuries, car crashes, fights, participation in risky behaviors, sexual assault, unwanted pregnancy, transmission of sexually transmitted diseases, suicidal thinking or behavior, and injury or death from alcohol poisoning. Consuming a large amount of alcohol in a short period of time (such as playing drinking games, taking shots of liquor, engaging in "power hours," etc.) can lead to the fatal result of alcohol poisoning. Taking other medications while drinking alcohol can also be fatal. More regular, or chronic, alcohol use can lead to alcohol dependence and other long-term problems. Frequent, prolonged use can result in liver disease, ulcers, high cholesterol, heart disease, cognitive deficits, high blood pressure, damage to the pancreas, sexual and fertility problems, and increased risk of breast cancer and other cancers. Other drugs also cause serious health problems for a user. Marijuana is a hallucinogen that contains the same toxic and carcinogenic compounds found in cigarette smoke. It can also lead to deficits in memory and other cognitive skills, as well as reproductive problems. Abusing prescription drugs, or taking prescription medications that are not prescribed to you (such as Adderall, Ritalin, Xanax, Valium, Oxycontin, etc.) can also lead to increased heart rate and blood pressure, organ damage, addiction, heart attack, overdose, and death. Cocaine and other similar stimulants are highly addictive and can lead to seizures, cardiac arrest, and stroke.

Drug and Alcohol Assessment and Treatment for Students

Students may seek free, confidential alcohol and drug screening and consultation at the Wellness Center in Winslow Center. Students can meet with a counselor to discuss their alcohol or drug use and obtain referrals to local substance abuse treatment programs, as well as other helpful resources. There are

several of these treatment programs, as well as self-help groups, in the Westminster area. For a comprehensive list, please contact the Wellness Center at 410-857-2243.

Drug and Alcohol Assessment and Treatment for Employees

Employees may seek free, confidential alcohol and drug screening and consultation services through our Employee Assistance Program, Business Health Services. Business Health Services can be contacted directly at 800-327-2251, 24 hours a day, 7 days a week. After an assessment, Business Health Services will refer the employee to an appropriate level of care as needed. This may include outpatient, detoxification, intensive outpatient or inpatient services and other self-help groups.

Financial Aid Penalties for Drug Convictions

Federal financial aid regulations specify that eligibility for federal aid be suspended for students who are convicted under federal or state laws for the sale or possession of illegal drugs if the offense(s) occurred during a period of enrollment for which the student was receiving federal financial aid under Title IV (grants, loans, and/or work-study).

Students who are convicted after they apply for aid must notify the McDaniel College financial aid office no later than five days after the conviction.

Additional information about federal aid policies may be obtained through the Federal Student Aid Information Center at 1-800-4-FED-AID or online at <http://studentaid.ed.gov/resources>.

A copy of the most recent McDaniel Drug Free Schools and Campuses Act report can be found [here](#).