Allegany College of Maryland

ALCOHOL AND DRUG POLICY

[Drug policy mandated by federal law]
Adopted 2005
Revised 2020
Approved by Board of Trustees 08/17/20
Implementation Date Fall 2020

BACKGROUND AND PURPOSE

Allegany College of Maryland supports the efforts of the State of Maryland and the United States to provide workplaces and learning centers free of illicit drug use and free of unlawful alcohol use. The College supports and complies with the Federal Drug-Free Workplace Act of 1988, the Federal Drug-Free Schools and Communities Act Amendments of 1989, and drug and alcohol abuse policies of the Maryland Higher Education Commission.

It is the College's intention to provide and maintain a work environment for employees and students that is drug-free, healthful, safe, and secure. When any person is on College property and/or participating in a College-sponsored or College-sanctioned activity, the person is expected to be free of any illegal drugs/alcohol and capable of fulfilling their responsibilities unimpaired by any substance. Although the College recognizes drug/alcohol dependency as an illness and a major health problem affecting society, it also recognizes drug use and activity as a potential health, safety, and security problem. Students and employees requiring assistance in dealing with drug or alcohol abuse or dependency are encouraged to seek treatment.

POLICY

I. SCOPE OF THE POLICY

This policy applies to all students, faculty, staff, third party vendors, contracted personnel, and campus visitors. This policy applies on all campuses, instructional sites, and any property owned or managed by Allegany College of Maryland including – but not limited to – buildings, parking lots, access roads, vehicles, and fields/lawns. The words "on campus" encompass all such properties. This policy also applies to privately owned vehicles operated, idling, or parked on campus. This policy applies to any College-sponsored or College-sanctioned activity or event.

II. PROHIBITED ACTS

- Allegany College of Maryland prohibits the unlawful possession, use, and distribution of illicit drugs and/or alcohol.
- Alcohol is not permitted on campus unless approved in advance by the College President as indicated in Section III below.
- Drug paraphernalia is not permitted on campus unless approved in advance by the College President as indicated in Section III below.
- No person is permitted on campus impaired by the use of drugs and/or alcohol.
- No person is permitted to participate in a College-sponsored or College-sanctioned activity or event impaired by the use of drugs and/or alcohol.
- No person is permitted to operate a vehicle or machinery on campus or as part of a College-sponsored or College-sanctioned activity impaired by the use of drugs and/or alcohol.

III. PERMITTED ACTS

This policy may not be construed to prohibit any person from possessing or using prescription medication or other lawful substances as directed by a qualified health care provider if the person is not impaired and subject to the provisions in Section IV below.

With approval by the College President, substances otherwise prohibited by this policy may be brought onto campus for *bona fide* educational, institutional, medically necessary purposes. Credit and non-credit academic

programs that explicitly incorporate alcohol into courses or clinical experiences are permitted to use alcohol with reasonable health and safety restrictions as well as compliance with legal requirements.

IV. Prescription Medications and Other Medical Products, Substances

Any person who has a medication, medical product, or substance authorized by a qualified health care provider is permitted to possess and/or use the medication while on campus and/or while participating in a College-sponsored or College-sanctioned activity or event under the following conditions:

- The medication, product, or substance is prescribed or issued to the person possessing/using it.
- The medication, product, or substance is being taken as prescribed or directed.
- The medication, product, or substance is in its original prescription bottle/container or the person can promptly produce the bottle/container.
- The person is not impaired.

Regardless of state laws/regulations, any person who has a medical marijuana card is not permitted to smoke marijuana on campus, on any property owned/managed by the College, or in any College-sponsored or College-sanctioned activity or event pursuant to the College's Tobacco-Smoking Policy.

V. Other Provisions

Nothing in this policy shall be construed to prevent a student or employee from using College services including counseling program(s) and/or employee benefits to seek treatment. The College encourages any person who is abusing or addicted to drugs and/or alcohol to seek treatment.

Certain student financial aid awards may only be made if the student is willing to certify or pledge that s/he will not engage in unlawful activities with regard to drugs and alcohol.

The Family Educational Rights Privacy Act permits the parental notification of students who are found responsible for a drug or alcohol violation under the Code of Student Conduct.

Students, faculty, and staff who engage in lawful alcohol activity off-campus are urged to use good judgement and to avoid any activity that would endanger themselves or others or that would violate local, state, or federal law. The Code of Student Conduct applies off campus.

Nothing in this policy shall be construed to create a duty of care for the College to prevent any person from violating this policy or otherwise possessing or using drugs and/or alcohol.

Application of this policy may directly or indirectly require the application of other institutional policies; nothing in this policy shall be construed to prohibit the application of related policies which include, but are not limited to the policies listed here. If the application of this policy conflicts with the application of another institutional policy, the College will make a good faith effort to comply with all mandates; however, the Code of Student Conduct shall take precedence unless otherwise required by law. Related policies: Heroin and Opioid Prevention Awareness Policy, Tobacco/Smoking Policy, Sexual Misconduct and Sex Discrimination Policy (Title IX), Safety Risk Policy,, HR policies, Personal Electronic Account Privacy Protection Policy, FERPA Policy, and First Amendment Policy.

V. ENFORCEMENT

All students, faculty, and staff share in the responsibility for adhering to and enforcing this policy. Any person with information about drug or alcohol use that violates this policy by any person should report it promptly to Campus Safety/Special Police, the Dean of Student & Legal Affairs, or other appropriate College Official. Reports should be made immediately or as soon after an incident as possible. Reports may be made anonymously. The College will assist any person needing assistance to make a report or complaint.

A person engaging in act(s) prohibited by this policy will be promptly directed to cease and desist; a person who is impaired will be safely removed from the campus or activity. The person may then be referred for an assessment, treatment, and/or enforcement as described below.

Criminal act(s) may be reported to law enforcement for criminal investigation/prosecution, and the College has discretion to pursue a criminal charge(s) via local court. Nothing in this policy shall be applied or interpreted to restrict or interfere with any police investigation, criminal prosecution, or civil legal action initiated by law enforcement or third parties.

In addition to criminal and court processes, the policy is enforced internally.

- Enforcement for students enrolled in a course(s) offering college credit is via the Code of Student Conduct; if found responsible for violating this policy, sanctions will be imposed, and possible sanctions range from censure to probation to suspension to dismissal.
- Enforcement for faculty and/or staff is via the College HR Manual including sanctions/penalties described therein.
- Enforcement for students enrolled in non-credit, non-blended course(s) is via the Safety Risk Policy. They may be asked to leave College property, removed from the class(es), and may not be permitted to return or reenroll in future classes. Individuals can be banned from campus. In some cases (depending on course structure and enrollment status), enforcement for non-credit students may be via the Code of Student Conduct.
- Enforcement for third party vendors, contracted personnel, and campus visitors is via the Safety Risk Policy. They may be asked to leave College property and may not be permitted to return. Individuals can be banned from campus. Enforcement for individuals who fit more than one category may be via any/all applicable processes.
- Enforcement for residents of Willowbrook Woods is via the Code of Student Conduct, Housing Guide, contraband list, and fee/fine schedule.

VI. Prevention Program

Allegany College of Maryland shall have a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The program shall include the following components:

- Publication of the "Alcohol & Drug Abuse Resource Manual for Students, Faculty, and Staff"
- The Resource Manual shall contain
  - Information about the health risks associated with alcohol and drug use;
  - Information about prevention, resources, and treatment;
  - College information, standards, and consequences related to alcohol/drug use; and
  - Sanctions/penalties for violating policy or federal, state, and local law/regulations;
- Annual notification of where students, faculty, and staff can obtain this information
- Biennial review of the program's effectiveness; and
- Biennial review of consistent enforcement of sanctions.
- Heroin & Opioid Prevention Awareness Policy and related Procedures

VII. Procedures

Allegany College of Maryland shall adopt necessary procedures to implement this policy.

VIII. Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.