

## 2.433 SUBSTANCE ABUSE

### 2.433.02 Substance Abuse - General Provisions

In addition to numerous criminal and civil provisions in the Annotated Code of Maryland, the university's responses to drug and substance abuse are established consistent with other directives that include, but are not limited to:

- A. The Drug-Free Workplace Act of 1988, **41 USC 701, et seq.** and implementing regulations 34 CFR Part 85;
- B. The Controlled Substances Act, **21 USC 801, et seq.**;
- C. The Drug-Free Schools and Communities Act **20 USC 1011i** and implementing regulations **43 CFR 86**;
- D. Maryland Governor's Executive Order on Substance Abuse **.01.01.1991.16**;
- E. Maryland Governor's Executive Order on a Drug and Alcohol Free Workplace (Non-State Entities) **.01.01.1989.18**;
- F. **Criminal Law (CR) § 5-601 et seq.**;
- G. **USM 180.0 VII-1.10 Policy on a Drug-Free Workplace**; and
- H. **TU 07-01.10 - Policy on Substance Abuse for Faculty, Staff, and Students.**

### 2.433.04 Care & Treatment of Persons Impaired or Under the Influence

- A. Officers will take reasonable and prudent steps to ensure the safety of persons who are under the influence. See also **2.438 Medical Emergencies, Sick or Injured Persons**, etc. and **2.630 Sick or Injured Detainees**.
- B. Officers will request EMS assistance when they encounter people who appear to be under the influence and in need of assistance because of their impairment or intoxication.
  1. However, adults who are under the influence and in need of assistance, but are not in custody and are capable of making rational decisions will be afforded opportunities to:
    - a. Seek medical attention at health care facilities;
    - b. Be taken by public conveyance, other notified party, or, if their residences are nearby and the on-duty patrol supervisor approves, by agency vehicle to their place of residence; or
    - c. If they are residential students, be taken by agency vehicle or other notified party to their residential hall.
  2. Juveniles who are under the influence and in need of assistance will be transported by EMS to healthcare facilities for treatment.
- C. Officers will ensure notifications are made to appropriate Housing and Residence Life (HRL) staff when intoxicated or impaired students are known to be in HRL facility.
- D. See also **2.232.14 Breath Test for Alcohol** and **2.232.20 DRE Notifications** for procedures in dealing with intoxicated or impaired detainees.

### 2.433.06 Enforcement Requirements & Limited Discretion

(1.2.6, 1.2.7)

- A. The agency maintains a strict, zero tolerance enforcement policy of drug and alcohol law or policy violations. For all incidents of reported or suspected drug or alcohol law or policy violations:
  1. Officers will promptly and thoroughly investigate incidents, take required enforcement actions, and complete required reports;
  2. Supervisors will ensure that required enforcement actions have been taken and notifications made consistent with this directive and **2.424 Notifications**;
  3. The central records supervisor will ensure copies of related reports are sent to appropriate parties or officials;
  4. Criminal, civil, and policy violations involving Towson University employees (staff, faculty, etc.) must also be referred to the employees' supervisors and the Office of Human Resources (OHR).
  5. Except circumstances described further in this section, officers will take all applicable criminal, civil, and administrative enforcement actions against Towson University students who violate drug or

alcohol laws or policies. Referrals to the Office of Student Conduct and Civility Education (OSCCE) consistent with **2.419.10 Disciplinary Referrals** will be filed in addition to any applicable criminal and/or civil charges.

- B. The Baltimore County Office of the State’s Attorney (OSA) has approved these situations where both students and non-students are involved in the same incidents, but charged differently, such as when students are only referred to OSCCE, but non-students are issued citations or arrested.
1. When officers find Towson University students violating certain alcohol laws, officers **must take enforcement actions**, but **MAY**;
    - a. **Only** refer the students to OSCCE; or
    - b. Issue appropriate criminal and/or civil citations **and** refer the students to OSCCE.
  2. Suspects who are not students and, therefore, do not come under the authority of OSCCE, **must be charged** by either issuing citations or making arrests as appropriate for their violations.
  3. The laws that fall into the discretionary category are listed in the following chart.
  4. Arrests will be made when persons who would otherwise be issued citations under **CR § 10-113 through CR § 10-116 & CR § 10-119** fail or refuse to furnish proof of identification and age on request of officers. See also **CR § 10-120**.
  5. Complete reports will be needed for many of these incidents. However, some of these incidents may be referred to OSCCE through the use of **UPO.034.D Written Warning / Field Interview Reports**.
  6. Supervisors have the final authority to determine whether or not students will **only** be referred to OSCCE or **both** charged and referred to OSCCE for enumerated violations.

Title	Statute
Open Container	Co. Code 17-1-03
Alcohol Consumption <ul style="list-style-type: none"> <li>• Pub. Prop. Owned by Govt. Entity</li> <li>• Prop. of Retail Estab. W/O Owner Auth.</li> <li>• In Parked Veh. on Public Prop. W/O Authorization of the Entity</li> <li>• In Parked Veh. at Retail Estab. W/O Auth.</li> </ul>	Art. 2B, 19-202
Misrepresent Age to Obtain Liquor	CR 10-113
Possess Alcohol Beverage Under 21	CR 10-114
Possess Fake ID W/Intent to Possess Alcohol Under 21	CR 10-115
Obtain Alcoholic Bev. to Person Under 21	CR 10-116
Keg Registration Violations <ul style="list-style-type: none"> <li>• Possess Unregistered Keg</li> <li>• Remove, Alter, Obliterate Registration Form, or Allow Same</li> <li>• Permitting Under 21 Year Old to Consume From Keg</li> </ul>	CR 10-118
Open Container in Vehicle	CR 10-125

- C. Refer to **2.514.04 Substituting Photos for Evidence** for situations when alcoholic beverages can be photographed and disposed of rather than being stored.

**2.433.08 Alcohol & Underage Persons**

- A. All incidents or reports coming to the attention of the agency pertaining to the use of alcohol by people suspected of being underage will be promptly and fully investigated. See also:
1. **2.410 Criminal/Civil/Juvenile Citations;**
  2. **2.416 Field Interviews;**
  3. **2.420 Juvenile Operations;** and
  4. **2.600 Arrest Procedures.**
- B. Officers:

1. Will take all required enforcement actions and complete all required reports when vehicle drivers and/or occupants commit alcohol related traffic offenses;
  2. Are encouraged to issue criminal and civil citations when possible in lieu of making full-custody arrests;
  3. Will refer to OSCCE:
    - a. Underage students who have been drinking, but probable cause does not exist to issue alcohol citations;
    - b. Any student who is intoxicated in public;
    - c. All other policy violations as described in the **Code of Conduct** for university students and **Policies for University Housing**.
  4. Will pay attention to on-campus activities involving public and private school activities and/or their students to detect and take enforcement actions against drug and alcohol violations.
- C. When officers respond to parties, gatherings, and other locations where underage persons are found to be in possession of and/or consuming alcohol, they will;
1. Determine the extent, if any, of alcohol use;
  2. Attempt to contact and positively identify persons responsible for the parties;
  3. Attempt to obtain information relating to the identities and ages of party attendees;
  4. Attempt to positively identify persons possessing or consuming alcoholic beverages and appearing to be underage;
  5. Be alert to the use of altered or counterfeit identification documents, confiscate same;
  6. Attempt to identify persons responsible for purchasing, acquiring, or distributing alcohol illegally;
  7. Attempt to identify locations where alcohol was purchased; and
  8. Take all required enforcement and reporting actions.
- D. Officers are encouraged to conduct regular business checks of on-campus licensed beverage dealers and to be alert for underage consumption. Individuals who appear to be underage will be checked for appropriate identification and enforcement actions taken as required.
- E. Incidents involving liquor license holders, including those instances involving liquor licenses held by Towson University, will be documented in agency reports.
1. Information that must be contained, where possible, in reports involving liquor license holders includes, but is not limited to:
    - a. Establishment names;
    - b. Names of employees illegally providing alcohol; and
    - c. Whether fraudulent identification documents were involved.
  2. Staff assigned to the central records function are responsible for sending copies of reports involving liquor license holders, including those instances involving liquor licenses held by Towson University, to the Baltimore County Board of Liquor License Commissioners (Liquor Board).