Drug and Alcohol Prevention Program

Biennial Review

REVIEW PERIOD
January 1, 2015–December 31, 2016

In accordance with the Drug-Free Schools and Communities Act (DFSCA), Public Law 101-226, as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86—the Drug-Free Schools and Campuses Regulations, UMUC has prepared this Biennial Review of its Alcohol and Other Drugs Prevention Program (AOD Prevention Program) for the period of January 1, 2015–December 31, 2016.

UMUC convened a committee of university stakeholders who represent the various departments that have immediate knowledge of the university's alcohol- and drug-related policies and processes in order to conduct its AOD Prevention Program Biennial Review. Department representatives produced this cross-institutional report, which aims to determine the effectiveness of UMUC’s AOD Prevention Program and ensure consistent enforcement of disciplinary sanctions for violations of applicable UMUC and/or USM policies.
I. ABOUT UMUC

UMUC is a public institution and one of 12 degree-granting institutions in the University System of Maryland (USM). UMUC’s mission is rooted in its identity, as defined in State statute, as “Maryland’s open university, serving nontraditional students…in Maryland, the United States and around the world” through “affordable, open access to higher education” and “distributed education.”

The mission of UMUC to improve the lives of adult learners is directly derived from its authorizing legislation. UMUC strives to fulfill its mission by:

1. Operating as Maryland’s open university, serving working adults, military servicemen and servicewomen and their families, and veterans who reside in Maryland, across the United States, and around the world;
2. Providing our students with affordable, open access to valued, quality higher education; and
3. Serving as a recognized leader in career-relevant education, embracing innovation and change aligned with our purpose and sharing our perspectives and expertise.

The principles of high-quality service to career-oriented adult students, a global presence, affordability, and accessibility define UMUC. Staff, faculty, and students recognize UMUC as an institution that reaches out to students where they are, rather than drawing them to a central campus. Because of its size and distributed nature, UMUC is a complex, multi-faceted institution. Its headquarters and central administration are located in Adelphi, Maryland. The Academic Center at Largo, 12 miles away, contains classrooms and computer labs as well as offices for faculty and staff in the Graduate and Undergraduate Schools. It also houses academic support units, including library services, registration, advisement, admissions, and financial aid.

In keeping with its global reach, UMUC is located at over 100 sites around the world. These encompass more than 20 locations in the greater Washington, D.C., metropolitan area: a combination of leased space, military installations, shared facilities in higher education centers operated by the State or the USM, and space made available through UMUC’s partnerships with community colleges. These sites, as well as some at military locations across the United States, provide student services, classroom instruction, or both. All of UMUC’s overseas locations operate under U.S. Department of Defense contracts to provide onsite academic programs to the U.S. military in Europe and Asia.

Since launching its first online courses in the mid-1990s, UMUC has become one of the largest public providers of online education, offering undergraduate and graduate courses across the nation and around the world. Even when overseas sites are taken into consideration, online offerings far exceed onsite. In FY 2016, 88 percent of UMUC’s worldwide students took at least one course online; UMUC had more than 265,000 online course enrollments worldwide and offered 908 distinct courses online. The vast majority of UMUC students worldwide complete their degrees predominantly online.

II. AOD PREVENTION PROGRAM

2 UMUC FY 2016 Fact Book
A. AOD Prevention Program Goals

UMUC is committed to the health and well-being of the global UMUC community and the maintenance of a drug and alcohol-free environment. The security of students, faculty, staff, and visitors is a top priority of the university and UMUC continually strives to minimize the risk that alcohol abuse and illegal drug use pose to the community.

In order to accomplish these goals, UMUC complies with all federal, state, and local statutes and regulations and USM policies that regulate or prohibit the possession, use, or distribution of alcohol or illicit drugs. All UMUC students, faculty, and staff are prohibited from unlawfully possessing, using, manufacturing, distributing, or dispensing alcohol or any controlled substance on UMUC’s premises or at UMUC-sponsored activities. UMUC expects all faculty, staff, and students to comply with applicable laws, regulations, and policies pertaining to possession, use, manufacture, distribution, or dispensation of alcohol or controlled substances.

B. UMUC Students

UMUC Policy 151.00 - Code of Student Conduct (Amended March 10, 2015) expressly prohibits the unlawful use, possession, distribution, or possession for purposes of distribution of any controlled substance, illegal drug, or alcohol on UMUC-premises or at UMUC-sponsored or USM-sponsored activities (See Appendix A). Sanctions for violations of the Code include, but are not limited to, verbal or written reprimand, disciplinary probation, suspension, or expulsion. Students found to be in violation of the Code for alcohol or drug-related offenses may also be referred to the appropriate law enforcement authorities for prosecution.

In accordance with Maryland law and USM Policy IV-1.60 – University System of Maryland Policy on Sexual Misconduct, UMUC Policy 041.00 - Sexual Misconduct (Amended October 11, 2016) provides amnesty regarding drugs and alcohol offenses to students who report sexual misconduct (See Appendix B). UMUC prohibits student conduct action for a violation of UMUC alcohol or drug rules if the violation occurred during or near the time of the alleged sexual misconduct; the student made the report of sexual misconduct, or is participating in an investigation as a witness in good faith; and the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

The UMUC student experience is quite different from the experience a typical college student has while enrolled at a traditional 4-year brick and mortar institution. Not only do a vast majority of UMUC students complete their credential entirely online, the majority of UMUC students are working adults and half of UMUC stateside undergraduate students are working parents. UMUC does not encounter the extensive student-related drug and alcohol issues that concern traditional institutions. As such, UMUC’s AOD Prevention Program is based on UMUC’s unique student population - an online community of working-adults.

---

3 University of Maryland University College’s Adelphi, Maryland property is operated by Marriott International, Inc. The College Park Marriott Hotel & Conference Center provides food and beverage services, including alcoholic beverages. Marriott is obligated to comply with local, state and Federal liquor laws.  
4 Md. Code Ann., Educ. § 11-601 (West)  
5 UMUC FY 2016 Fact Book
Students are informed through the UMUC website’s Consumer Disclosure webpage and Safety and Security webpage, as well as UMUC catalogs about the university’s rules regarding drug and alcohol use. In addition, students are given the annual AOD Notice as part of the Annual Safety and Security Report (See Section III for details).

C. UMUC Employees

All employees of the State of Maryland are subject to Executive Order 01.01.1991.16 State of Maryland Substance Abuse Policy (See Appendix C). Newly hired UMUC employees are provided a copy of the State’s Policy at orientation. Employees are required to return a signed substance abuse policy acknowledgment of receipt to UMUC, which is then maintained as part of the employee’s record. As a condition of employment, faculty and staff must abide by the terms of the State’s policy and notify UMUC of any criminal drug conviction no later than five days after such conviction. By signing the acknowledgment of receipt, employees are also made aware that UMUC is mandated to communicate any employee drug conviction to the applicable federal agency.

UMUC and its employees are also subject to USM Policy VII-1.10 – Policy on a Drug and Alcohol-Free Workplace for Employees (Amended October 9, 2015) (See Appendix D). This Policy affirms USM’s commitment to maintaining a drug and alcohol-free workplace that is compliant with federal and state laws, defines prohibited behavior and required actions, and specifies steps for implementation. Violations of the USM policy are referred to UMUC’s Chief Human Resources Officer, or other designated institutional official for investigation, and when warranted, determination of appropriate discipline and possible referral for criminal prosecution. This Policy also requires institutions to designate certain positions as sensitive, and therefore eligible for random drug testing.

As a federal contractor, UMUC employees are also subject to Policy 090.00 – UMUC Contractor Code of Ethics (Amended November 11, 2013) (See Appendix E). A suspected violation under this Policy includes any potential violation of USM’s Policy on a Drug and Alcohol-Free Workplace. Under the Contractor Code of Ethics, all employees have a duty report all suspected violations of the Contractor Code of Ethics or other potentially unethical behavior to UMUC’s Office of Legal Affairs or the UMUC’s Ombuds Office. Anonymous reports may also be made to USM’s Office of Internal Audit Fraud Hotline.

UMUC Policy 390.40 – Alcoholic Beverages (Amended August 11, 2009) details UMUC’s rules governing the purchase of alcohol beverages by the institution (See Appendix F). This Policy prohibits the use of UMUC funds for the purchase of alcoholic beverages, except in very limited circumstances.

Any employee who violates the applicable standards of conduct outlined in the policies listed in this Section will be subject to disciplinary action including, but not limited to counseling, reprimand, suspension, denial of pay increment or promotion, or termination of employment. Employees may also be referred to an appropriate rehabilitation program through the Employee Assistance Program (See Sec. II (D) for details). In addition, an employee who has been found to be in violation of the rules outlined in the aforementioned policies may be referred to local law enforcement for criminal prosecution.
D. Resources for the UMUC Community

UMUC Ombuds Office: The UMUC Ombuds Office was established to provide confidential and informal assistance to the university community. At UMUC, the university ombudsperson has training in conflict resolution and acts as a confidential, neutral resource for staff, students, and faculty to express concerns. The ombudsperson is tasked with identifying options to address workplace conflicts, facilitating productive communication, and helping others understand and access appropriate university policies and practices. The ombudsperson holds all communications with those seeking assistance in the strictest confidence allowed by law. The identity of visitors and the substance of concerns raised are not shared without consent. The only exception to maintaining confidentiality occurs in cases where there appears to be imminent risk of serious harm or a threat, possibility of harm to a child or elderly individual and no other reasonable option exists, or as required through a lawfully issued subpoena. Although the Ombuds Office does not offer psychological counseling, the ombudsperson will refer individuals to external resources when appropriate.

Employee Assistance Program: UMUC employees may also utilize the benefits afforded through the Employee Assistance Program (EAP), provided by INOVA. EAP provides free short-term confidential counseling, which can help employees find solutions to problems ranging from family or workplace frustrations to alcohol or drug abuse. The service also provides legal and financial consultations and work life referral services. Online resources include 24-hour access to an extensive library or nationwide work life resources and interactive tools.

Response Emergency Assessment Crisis Team (REACT): The Response Emergency Assessment Crisis Team at UMUC is dedicated to coordinating a proactive and planned approach to facilitate the early identification, prevention, assessment, and management of serious interpersonal distress and/or harmful, disruptive behavior that threatens the safety and well-being of students, faculty, staff, and guests. In addition to regular meetings, the team will review concerns raised by members of the UMUC community, including students, faculty and staff, to help prevent harm to anyone at the university.

UMUC Website: UMUC's website includes information on Workplace Violence and Physical Confrontations, such as warning signs of violent behavior. Here, employees are informed that a potentially violent person may appear to be intoxicated or under the influence of drugs. Employees are expected to report signs of any violent or potentially violent behavior at the workplace to their supervisors and security. In addition, the website provides contact information for REACT, EAP, and the Ombuds office.

III. ANNUAL NOTIFICATION OF AOD PREVENTION PROGRAM

By October 1 of each year, UMUC publishes its Annual Safety and Security Report on the UMUC website (See extract of Report in Appendix G). The Report includes UMUC’s annual AOD notice. The Report is distributed via e-mail to all enrolled students, faculty, and staff. The e-mail contains a link to the Report, as well as a summary of the Report’s content, including the AOD notice.

The AOD Prevention Program notice incorporated into the Report includes:
    Standards of conduct for students, faculty, and staff;
IV. ALCOHOL AND DRUG RELATED INCIDENCES AND MEASURING ENFORCEMENT CONSISTENCY

During the January 1, 2015 – December 31, 2016 review cycle, UMUC had no reported incidences of alcohol or drug related policy violations perpetrated by students. As a primarily online institution, and as most of our classroom locations are located on military installations, UMUC students are not likely to be engaged in activities on UMUC premises or as part of UMUC-sponsored activities that involve alcohol and drug use. As such, there is no data to review for measuring enforcement consistency.

There was one employee-related incident during this review cycle involving potential drug and/or alcohol abuse. As a result of performance issues, including erratic behavior indicative of substance abuse, a UMUC employee was issued a written reprimand and placed on a performance improvement plan. The performance issues continued and as a result UMUC separated the employee in June 2015. There is no comparable data to measure enforcement consistency during the review period since only one employee-related incident occurred.

V. RECOMMENDATIONS FOR IMPROVEMENT

UMUC is always striving to meet all compliance obligations. The institution has recently updated its human resources and admissions processes to ensure that newly hired employees and newly enrolled students receive the AOD Prevention Program Notice.

VI. OVERALL EFFECTIVENESS

As demonstrated throughout this Biennial Review Report, UMUC is committed to creating and maintaining a learning and working environment that is free of alcohol and substance abuse. The abuse of alcohol and legal drugs and the use of illicit drugs are antithetical to UMUC’s mission and the realization of one’s full potential as a member of the UMUC community. UMUC’s record regarding alcohol and drug related policy violations indicates that members of the UMUC community understand the rules and sanctions regarding alcohol and drug use ensuring the University reaches its goals of maintaining a safe and healthy learning and working environment.
Policy 151.00
Code of Student Conduct

Originator: Office of the Provost

I. Introduction

A. In accordance with the Board of Regents Policy V-1.00 Policy on Student Affairs, approved on January 11, 1990, disciplinary regulations are set forth in writing to give students general notice of prohibited conduct. UMUC reserves the right to take appropriate action to protect the safety and well-being of the UMUC community.

B. To encourage the development and growth of a supportive and respectful academic environment for all students, faculty, and staff, UMUC has created the Code of Civility.

C. In every case of alleged Code of Conduct violation, the burden of proof rests with the complainant who must establish the responsibility of the person accused by a preponderance of the evidence. In cases where the complainant wishes to remain anonymous, the burden of proof rests with the Administrator. See Section VI. Standards of Due Process.

D. Students may be accountable to both civil authorities and to UMUC for acts that constitute violations of law and of this Code of Conduct. Disciplinary action at UMUC will normally go forward pending criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

II. Definitions

When used in this code:

A. "Distribution" means sale or exchange for personal profit.

B. "Harassment" means speech or conduct that creates an intimidating, hostile or offensive environment, with the expression being persistent, extreme or outrageous and reasonably likely to cause intimidation. The mode of expression may be, but is not limited to, verbal, nonverbal, written or electronic. This definition of harassment is intended to include "bullying."

C. "Reckless conduct" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal UMUC- or USM-sponsored activities.

D. "Student" means a person who has been admitted to UMUC and is eligible to register for courses as degree or non-degree seeking.
E. "UMUC premises" means buildings, grounds, Web sites, or computer networks owned, leased, operated, controlled, or supervised by UMUC.

F. "USM premises" means buildings, grounds, Web sites, or computer networks owned, leased, operated, controlled, or supervised by the University System of Maryland.

G. "Weapon" means any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives, and chemicals such as mace products, pepper spray, or tear gas.

H. "UMUC-sponsored activity" means any activity on or off UMUC premises that is initiated, aided, authorized, or supervised by UMUC.

I. "USM-sponsored activity" means any activity on or off USM premises that is initiated, aided, authorized, or supervised by USM.

J. "Conference" refers to a communication between two or more individuals by telephone, in writing (including but not limited to e-mail, fax, or posted letter), through videoconferencing, or in person.

III. Prohibited Conduct

The following misconduct is subject to disciplinary action:

A. All forms of academic dishonesty. Allegations of academic dishonesty will be handled in accordance with UMUC Policy 150.25 Academic Dishonesty and Plagiarism.

B. The written or spoken use of words, epithets, or phrases that are widely recognized to be derogatory references to personal characteristics including, but not limited to, race, ethnicity, religion, gender, sexual orientation, and disability, when such words are used to create a hostile or intimidating environment for any person on UMUC or USM premises, or at UMUC- or USM-sponsored activities.

C. Participation in any form of discrimination or harassment against UMUC faculty, staff and/or students on UMUC or USM premises, or at UMUC- or USM-sponsored activities. Allegations of harassment or discrimination on the basis of race, religion, color, creed, marital status, age, national origin, ancestry, political affiliation, mental or physical disability, or veteran status, may be processed in accordance with UMUC Policy 040.30 Policy and Procedures on Affirmative Action and Equal Opportunity. Allegations of harassment or discrimination on the basis of gender or sex, including sexual harassment, will be referred to the Title IX Coordinator and processed, in accordance with UMUC Policy 041.00 Sexual Misconduct. Allegations of harassment and discrimination that do not fall into one of the above categories may be addressed through the Student Code of Conduct complaint process, initiated through the Student Resolution and Judicial Affairs.

D. Intentional and substantial interference with the freedom of expression of others on UMUC or USM premises or at UMUC- or USM-sponsored activities.

E. Intentional or reckless assault or harm caused to any person on UMUC- or USM-premises or at UMUC- or USM-sponsored activities, or intentional or reckless cause of reasonable apprehension of such harm.

F. Intentional or reckless interference with normal USM or UMUC activities, or USM- or UMUC-sponsored activities, including, but not limited to, studying, teaching, research, administration, or fire, police, or emergency services.
G. Intentional use of the UMUC or USM computing resources to upload any content that contains a software virus, time bomb, Trojan horse, or any other computer code, files, or programs that may alter, damage, or interrupt the functionality of the UMUC computing resources or the hardware or software of any other person.

H. Intentional or reckless destruction of or damage to the property of others on UMUC or USM premises, or at UMUC- or USM-sponsored activities.

I. Intentional initiation or instigation of initiation of any false report, warning, or threat of fire, explosion, or other emergency on UMUC or USM premises or at UMUC- or USM-sponsored activities.

J. Intentional or reckless misuse of or damage to fire-safety equipment.

K. Theft of property or of services on UMUC or USM premises, or at UMUC- or USM-sponsored activities; knowing possession of stolen property on UMUC or USM premises, or at UMUC- or USM-sponsored activities.

L. Unlawful use, distribution, or possession of any controlled substance, illegal drug, or alcohol on UMUC or USM premises, or at UMUC- or USM-sponsored activities.

M. Unauthorized use, possession, or storage of any weapon on UMUC or USM premises or at UMUC- or USM-sponsored activities.

N. Intentional submission of false information to UMUC or USM.

O. Failure to comply with the directions of UMUC or USM officials, including UMUC or USM security officers, or the University of Maryland Campus Police, acting in performance of their duties.

P. Forgery, unauthorized alteration, or unauthorized use of any UMUC or USM document or instrument of identification.

Q. Unauthorized use or possession of fireworks on UMUC or USM premises or at UMUC- or USM-sponsored activities.

R. Knowing violation of the terms of any disciplinary sanction imposed in accordance with this Code.

S. Violation of published UMUC or USM regulations or policies (e.g. Acceptable Use Policy).

T. Conviction of any crime, other than a traffic violation, while actively enrolled as a UMUC Student that represents a substantial threat to persons and property affiliated with UMUC.

IV. Reporting Alleged Violations

A. UMUC students, faculty, staff, or administrators may report a violation to the Administrator of the Code of Conduct process in the Office of the Registrar within 15 days of knowing about, or reasonably should have known about, the alleged violation. Persons other than UMUC students, faculty, staff and administrators who believe Student (as defined in this policy) may have violated the Student Code of Conduct must contact the Administrator of the Student Code of Conduct Process. The Administrator may file a Code of Conduct charge(s) on behalf of external entities, in accordance with the process outlined below. All referrals will be treated as confidential. Persons seeking to make referrals to the Code of Student Conduct process are required to provide preliminary information pertinent to the case by completing the Student Code of Conduct Complaint Form. The complainant will normally be expected to provide additional information if requested to participate in a Hearing or Administrative Conference (referenced in Section VI). Alleged violations referred to the Code of Conduct Administrator will be reviewed to determine if there is enough information to refer the alleged violation for further review and consideration according to due process standards (referenced in Section VI).
B. Any alleged violation of this Code of Conduct, other than a traffic violation, that also may violate a United States, Maryland, or local law should be immediately reported by UMUC administration to the proper authorities.

V. Interim Suspension

A. The Provost or his/her designee may suspend a student for an interim period pending a preliminary inquiry and investigation. An interim suspension will become immediately effective without prior notice, whenever there is evidence that the continued presence of the student on UMUC or USM premises poses a substantial threat to himself or herself, to others, or to the stability and continuance of normal USM- or UMUC-sponsored activity.

B. A student suspended on an interim basis shall be given an opportunity to meet with or communicate in writing to the Provost or his/her designee within 10 business days from the effective date of the interim suspension to discuss the following issues only:
   1. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student at UMUC or USM premises poses a substantial threat to himself or herself, to others, or to the stability and continuance of normal USM- or UMUC-sponsored activity.

VI. Procedure

A. Initial Inquiry
   1. The Administrator for the Student Code of Conduct will review referred materials to determine if there is sufficient information to warrant further Code proceedings. The Administrator for the Code may dismiss a referral if it is discovered (1) the complainant has failed to comply with procedure; and/or (2) there exists no evidence or documentation to support the alleged violations; and/or (3) information provided is found to be fraudulent or misleading; (4) the complainant elects not to proceed with case; and/or (5) the alleged activity does not fall under Prohibited Conduct pursuant to this Code of Conduct. Note: The Administrator may elect to proceed with a Code Case, despite a withdrawal of involvement by the complainant, if it is deemed there is reasonable cause to proceed. The Administrator will proceed with the Student Code of Conduct process as outlined in section VI. in situations where there is potential harm or risk of safety to an individual and/or the community. A regional Administrator will be identified to manage the Code of Conduct Stateside, in Asia and in Europe.
   2. The initial review period must not exceed 10 business days from the receipt of the initial complaint.
   3. As a result of the initial inquiry, the Administrator may also elect to refer the involved parties to other University resources, including, but not limited to alternative dispute resolution options.
   4. The complainant and the person accused will be notified in writing of the decision to move forward or to dismiss a Code referral within 10 business days of receipt of the initial referral.

B. Code Process Options

The Administrator will determine the appropriate adjunction process based on the allegations made against the accused student. The matter will be handled by the Hearing Committee, as described in Section B.1, when the accused student is at risk of suspension or expulsion. All other matters will be handled in accordance with the Administrator Conference, as described in Section B.2 below.
The Administrator will consult institutional files to determine if there exists relevant information within the accused's academic record, pertinent to the allegations. All material reviewed will be considered confidential and shared on a need to know basis. This information will not be shared with anyone on the Hearing Committee as this cannot be used in their determination of guilt or innocence.

To protect the confidentiality of all involved parties, generally, the Hearing Committee and Administrative Conferences shall be closed to the public and non-participants.

Under special circumstances, UMUC reserves the right to provide the student with an alternative due process procedure.

C. Hearing Committee

a. If the Code referral is not dismissed within 10 business days of the initial reporting, the Administrator will appoint a three-member ad hoc Hearing Committee. The appointment of the Hearing Committee must occur within 7 business days after the Administrator notified the complainant and the accused of the decision to move forward with the Code of Conduct. This committee will consist of two (2) exempt staff or faculty members, and one (1) undergraduate or graduate student. A Staff or Faculty member will be appointed to serve as chair of the committee. The Hearing Committee may confer with legal affairs during the preparation phase, during the Hearing, and after the Hearing concludes, as appropriate and necessary. The Administrator or designee(s) will instruct this Hearing Committee to review all materials deemed relevant to the Code matter.

b. The Hearing Committee will hold a Hearing within 10 business days of receiving the Code of Conduct violation from the Administrator. Witnesses and the complainant (if not anonymous) may be requested to submit to questioning, either in person, via teleconference, electronic media, or in writing, by the Hearing Committee. The Administrator or designee(s) will communicate with the person accused and the complainant and give them the opportunity to prepare any relevant evidence. The accused student may seek more information regarding the allegations made against him by submitting a written request and/or relevant questions to the Administrator.

c. At the Hearing, the person accused and the complainant will be entitled to present information. Any information that is presented at the Hearing must be presented to all parties and the Hearing Committee. The person accused or complainant may be accompanied by an individual acting in an advisory capacity, who may be an attorney, at his or her own expense. Such individuals may counsel the complainant or the accused during the course of a Hearing, but shall not personally participate or speak on behalf of the complainant or the accused. Parties who wish to be accompanied by an attorney must inform the Administrator in writing at least 5 business days before the scheduled date of the proceeding. Those acting in an advisory capacity may not appear in lieu of the complainant or the persons accused.

d. After the Committee Hearing is complete, the Hearing Committee will deliberate and render a recommendation in writing to the Administrator. If the Administrator is serving as the Complainant, on behalf of the University, final Committee recommendation will be provided to an alternate member of the Office of the Registrar. Final recommendations of the Hearing Committee shall be accompanied by a written opinion prepared by the chair of the Hearing Committee. Generally, if the Hearing Committee finds the allegation to be supported by a preponderance of the evidence, the Hearing Committee will recommend an appropriate sanction to the Administrator. The Administrator will review the
recommendations, render a decision and issue a sanction, if appropriate (see Section VII Sanctions). Any previous record of violations of this Code may increase the sanction.

e. Within 10 business days of the conclusion of the Hearing, the Administrator or designee will notify the accused of the decision and sanction, if appropriate, in writing. A copy of the report and the final decision will be kept on file as a part of the accused’s academic record.

f. In some circumstances, it may be necessary to notify the complainant of the decision made by the Hearing Committee. If necessary, the complainant will be notified within 7 business days of the decision.

D. Administrative Conference

a. If the Code referral is not dismissed within 10 business days of the initial reporting, the Administrator can choose to have an Administrative Conference with the student.

b. The Administrative Conference must be scheduled within 7 business days of receipt of the referral.

c. The Administrator will meet initially with the complainant, separate and apart from the accused. The Administrator will gather all relevant information from the complainant, including questions the complainant directs to the accused.

d. The Administrator will meet with the accused in a one on one conference to complete the Administrative Conference.

e. The Administrator reserves the right to remand the Code referral to an Hearing Committee, in the event of a conflict of interest and/or if deemed in the best interest of the process.

1. After the conclusion of the Administrative Conference, the Administrator shall render a decision as to whether or not there has been a violation of the Code of Student Conduct.

2. If the Administrator determines the Code has been violated, the Administrator will render the appropriate sanction at the same time it is deemed there has been a violation of the Code.

3. The Administrator will notify the accused of the decision and sanction, if appropriate, in writing within 10 days after the conclusion of the Administrative Conference. A copy of the report and the final decision will be kept on file as a part of the accused’s academic record.

4. In some circumstances, it may be necessary to notify the complainant of the decision made by the Administrator. If necessary, the complainant will be notified within 7 business days of the decision.

E. Appeals

1. Within 15 business days of receipt of the written decision, the accused may appeal the decision in writing to the Provost.

2. The Provost shall review the information collected for the original preliminary Administrator’s inquiry, the Hearing Committee report or Administrator’s report, the final decision briefing, and all information relevant to the case. The Provost will render a decision and sanction, as appropriate, based on this evidence. The Provost may render one of the following decisions:

   a. Affirm the finding and the sanction imposed by the Hearing Committee or Administrative Conference
b. Affirm the finding and reduce, but not eliminate, the sanction or impose a different sanction, if found to be disproportionate to the offense.

c. Remand the case back to the Hearing Committee or the Administrator, if procedural errors or errors in interpretation of University regulations were substantial, and/or if new and significant evidence became available which could not have been discovered by a properly diligent person accused before or during the original Hearing or Inquiry.

d. Dismiss the case.

3. The decision of the Provost is final and is not appealable.

4. The Provost will render the final decision, in writing, within 15 business days of the receiving the appeal. Copies of this final recommendation will maintained as a part of the students' academic record.

5. In some circumstances, it may be necessary to notify the complainant of the decision made by the Provost. If necessary, the complainant will be notified within 7 business days of the decision.

VII. Sanctions

Sanctions for violations of disciplinary regulations include, but are not limited to:

1. Verbal or Written Reprimand: The student is advised that such behavior is contrary to the principles and expectations of UMUC students; students are further advised that similar behavior in the future could result in new charges brought under the Student Code of Conduct pursuant to the process described in Sections I – VI.

2. Disciplinary probation: The student shall not represent UMUC in any extracurricular activity or run for or hold office in any student group or organization for a specified period of time. The student may also be subject to restricted and/or reduced participation in UMUC and/or USM sponsored events, activities and/or services. Additional restrictions or conditions may also be imposed.

3. Restitution: The student is required to make payment to UMUC or to other persons, groups, or organizations for damages incurred as a result of a violation of this Code.

4. Suspension in Abeyance: The student shall receive a sanction that will temporarily separate them from all UMUC and USM sponsored activities, events, and/or services. The sanction, however, is held in abeyance until the expiration of the sanction period or if the accused is found responsible for continuing the behavior and/or circumstance that was found to have violated the Code of Conduct. In the event the accused is found to have continued the behavior or circumstance for which he or she was found responsible for violating the Code of Student Conduct, the suspension period shall become effective immediately.

5. Suspension: The student is temporarily separated from UMUC for a specified period of time. Permanent notification will appear on the student's transcript. The student shall not participate in any UMUC or USM sponsored activity and may be barred from UMUC premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree. Credit earned elsewhere during the period of suspension are subject to review and acceptance prior to transfer.

6. Expulsion: The student is permanently separated from UMUC. Permanent notification will appear on the student's transcript. The student will also be barred from UMUC premises. (Expulsion requires approval by the Provost.)
7. Other sanctions: Other sanctions may be imposed instead of or in addition to those specified in Sections VII.A.1 through VII.A.5.

VIII. Disciplinary Files and Records

A. The reporting of any violation of this Code will result in the development of a student's disciplinary file, which shall be nullified if the student is found innocent of the charges. The records of students found responsible for violating the Code of Conduct will be retained as permanent disciplinary records.

B. Disciplinary records may be expunged from the student's disciplinary file by the Provost or designee for good cause, upon written petition of student accused, three years from the date of the final written decision. Disciplinary records shall not be expunged without unusual and compelling justification. Factors to be considered in review of such petitions shall include:
   1. The present demeanor of the person accused.
   2. The conduct of the person accused subsequent to the violation.
   3. The nature of the violation and the severity of any damage, injury, or harm resulting from it.

The Provost will respond, in writing, within 15 business days of the receipt of the petition. The decision of the Provost is final. Copies of the petition and decision letter will be kept in the central records file in the Office of the Provost.

<table>
<thead>
<tr>
<th>Current Policy</th>
<th>Prior Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Number</td>
<td>151.00</td>
</tr>
<tr>
<td>Date</td>
<td>3/10/15</td>
</tr>
<tr>
<td></td>
<td>151.00</td>
</tr>
<tr>
<td></td>
<td>8/29/14</td>
</tr>
</tbody>
</table>

CONTACT US

Request Info
855-655-UMUC

Help Center

Academic Center at Largo
1616 McCormick Drive,
Largo, MD 20774

Directions to Academic Center at Largo

Mailing Address
No classes or services at this location
3501 University Blvd. East,
Adelphi, MD 20783

© 2017 University of Maryland University College. All rights reserved.
APPENDIX B
Policy 041.00
Sexual Misconduct

Originator: Title IX Coordinator

University of Maryland University College (UMUC) is committed to creating and maintaining an environment in which all persons who participate in University programs and activities, perform work, and provide services can learn and work together in an atmosphere free from Sexual Misconduct, a form of sex discrimination. UMUC provides training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit retaliation, and promote timely, fair, and impartial investigation and resolution of Sexual Misconduct cases.

Sexual Misconduct is a type of Sex discrimination that is prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964. Such behavior may also constitute as criminal activity. In accordance with the University System of Maryland VI–1.60 Policy on Sexual Misconduct, UMUC prohibits and has zero-tolerance for Sexual Misconduct in any form, including, sexual harassment, sexual violence, dating violence, domestic violence, sexual exploitation, and sexual intimidation. Once UMUC receives notice of potential Sexual Misconduct, UMUC will take immediate and appropriate action to eliminate it, prevent its recurrence, and address its discriminatory effects. All other forms of sex based discrimination shall be administered under UMUC Policy 040.30 — Affirmative Action and Equal Opportunity.

Inquiries concerning the application of Title IX may be referred to the UMUC’s Title IX Team or the Department of Education, Office for Civil Rights.

I. Scope of Policy

All UMUC Community members are subject to this Policy regardless of their sex, sexual orientation, gender identity and gender expression. To the extent that the applicable state and federal laws apply, this Policy applies to all UMUC locations, including overseas, and all UMUC students, faculty, staff, and applicants for employment, as well as third parties and contractors under UMUC control (UMUC Community).

UMUC will take immediate and appropriate action if Sexual Misconduct is committed against a member of the UMUC Community:

1. in any UMUC institution facility or on any UMUC institution property;

2. in connection with any UMUC sponsored, recognized or approved program, visit or activity, regardless of location:
   a. this includes UMUC sponsored online activities, such as online classrooms;
3. that impedes equal access to any UMUC education program or activity or adversely impacts the employment of a member of the UMUC Community; or

4. that otherwise threatens the health or safety of a member of the UMUC Community.

This Policy supersedes any conflicting policy and procedures contained in UMUC Policy 040.30—Affirmative Action, Equal Opportunity, and Sexual Harassment and UMUC Policy 151.00—Code of Student Conduct with respect to Sexual Misconduct matters.

II. Academic Freedom

Nothing in this Policy is intended to supersede or conflict with any federal compliance obligations. As UMUC strives to prevent and redress sex discrimination, it will continue to respect academic freedom and the free speech rights of students, faculty, employees, and other speakers. This Policy is not intended to restrict the exercise of any expressive activities or speech protected under the U.S. Constitution, specifically, classroom discourse or materials pertaining to sex or gender-based, course-related content.

III. Options for Immediate Assistance

UMUC strongly encourages victims of Sexual Misconduct or third parties, including UMUC students, faculty, and staff, to promptly report the alleged misconduct to UMUC’s Title IX Coordinator, a member of the Title IX Team, a Responsible Employee, UMUC’s Confidential Employee, UMUC Security, or local law enforcement.

Victims are also strongly encouraged to obtain immediate medical assistance following an act of Sexual Misconduct and contact law enforcement. This type of assistance can be critical for the preservation of evidence needed as proof of alleged criminal offenses, obtaining no-contact or protective orders, and the apprehension and prosecution of assailants. Individuals may contact the Title IX Coordinator or another member of the Title IX Team, or UMUC’s Confidential Employee for additional information about how to obtain such medical or law enforcement assistance (See Section V. - Reporting and Confidentiality).

See Appendix A for local law enforcement contacts for UMUC Stateside and Worldwide locations.
Contact UMUC Asia Title IX Investigator

Mario Fail  
E-mail: titleixinvestigator-asia@umuc.edu  
CIV: +81 (0)425-52-2511, ext. 53680  
DSN: 225-3680

Contact UMUC Europe Title IX Investigator

Patricia Jameson  
E-mail: titleixinvestigator-europe@umuc.edu  
CIV: +49 (0)631-53480368

Contact Ombudsman's Office

Blair Hayes  
E-mail: ombudsman@umuc.edu  
Phone: 800-888-8682, ext. 17910  
(301) 985-7910

IV. Definitions

Prohibited Behavior

The following misconduct is subject to disciplinary action:

A. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the length of relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

B. Domestic Violence means violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.

C. Sexual Assault
1. **Sexual Assault I. – Non-Consensual Sexual Intercourse:** Any act of sexual intercourse with another individual without Consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth or genital contact.

2. **Sexual Assault II. – Non-Consensual Sexual Contact:** Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

D. **Sexual Exploitation** means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

E. **Sexual Harassment** is any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal, non-verbal or physical conduct of a sexual nature when:
   a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a USM or UMUC program or activity;
   b. Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting an individual; or
   c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment.

F. **Sexual Intimidation** means
   a. Threatening to sexually assault another person;
   b. Gender or sex-based Stalking, including cyber-Stalking; or
   c. Engagement in indecent exposure.

G. **Sexual Misconduct** is an umbrella term that includes Dating Violence, Domestic Violence, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, and Stalking.

H. **Sexual Violence** is a form of Sexual Harassment and refers to physical sexual acts perpetrated without Consent. Sexual Violence includes rape, sexual assault, sexual battery, and sexual coercion. Sexual Violence, in any form, is a criminal act.

I. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

**Other Definitions**

A. **Complainant** means the individual(s) who files a Sexual Misconduct complaint alleging a violation of this Policy.

B. **Consent** means a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or
actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one’s mental or physical helplessness or incapacity. Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

C. **Interim Measures** means reasonably available steps an institution may take to protect the parties while a Sexual Misconduct investigation is pending (See Section VI. Interim Measures).

D. **Respondent** means the individual(s) accused of engaging in prohibited conduct under this Policy.

E. **Responsible Employee** includes any employee who:
   1. Has the authority to take action regarding Sexual Misconduct;
   2. Is an employee who has been given the duty of reporting Sexual Misconduct; or
   3. Is someone another individual could reasonably believe has this authority or duty.

At a minimum, Responsible Employees include: the Title IX Coordinator and any Title IX Team members, all institution administrators, all non-confidential employees in their supervisory roles, all faculty, all athletic coaches, institution law enforcement, and all other non-confidential first responders (See Section IV.-Reporting of this Policy for the list of UMUC Responsible Employees).

F. **Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or USM or UMUC policy relating to Sexual Misconduct, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Sexual Misconduct. Retaliation includes retaliatory harassment.

V. Reporting and Confidentiality

Individuals are strongly encouraged to promptly report Sexual Misconduct to the Title IX Coordinator or another member of the Title IX Team, UMUC's Confidential Employee, a Responsible Employee, UMUC Security, or local law enforcement, all of which have different responsibilities to respond and varying abilities to maintain confidentiality (See Appendix A for local law enforcement contacts for UMUC Stateside and Worldwide locations).

Once UMUC knows or reasonably should know of potential Sexual Misconduct, UMUC will take immediate and appropriate action, in accordance with this Policy, to investigate and eliminate the potential Sexual Misconduct, prevent its recurrence, and address its effects. This obligation applies to Sexual Misconduct covered by this Policy, regardless of where the Sexual Misconduct allegedly occurred, regardless of whether a parallel law enforcement investigation is pending and/or whether a formal complaint is filed.

A. **Reporting to the Title IX Coordinator or Title IX Team Member**

   Upon receipt of a report of sexual misconduct that may constitute a crime, the Title IX Coordinator or Team member will advise the reporting party that in addition to making a criminal report, they also have the right to file a complaint and commence an investigation per the provisions of this policy.

B. **Reporting to a Responsible Employee**

   A Responsible Employee must report to UMUC's Title IX Coordinator all relevant details about alleged Sexual
Misconduct that is shared by the reporting party. Once the Responsible Employee receives information of potential Sexual Misconduct or has reason to know of potential Sexual Misconduct, UMUC must respond and perform further inquiry. Information reported to a Responsible Employee will be shared only with those responsible for handling UMUC's response to reports of Sexual Misconduct and only to the extent necessary to accomplish this objective and/or as required by law. UMUC strongly encourages Responsible Employees to obtain the victim's consent before contacting law enforcement. A Responsible Employee shall report the incident to law enforcement when legally required to report.

**Responsible Employees at UMUC**

UMUC Title IX Coordinator and Title IX Investigators
UMUC Administrators
UMUC Employee Supervisors
UMUC Faculty and Adjunct Faculty
UMUC Security

**C. Responsible Employees and Requests for Confidentiality**

There may be times when a victim indicates that he or she wants to inform a Responsible Employee about an incident of Sexual Misconduct, but at the same time, requests confidentiality or that no investigation into the incident be conducted or disciplinary action taken. The Responsible Employee will first make every effort to provide the victim with information about UMUC's Confidential Employee or other external confidential resources as well as the Responsible Employee's duty to report if information is shared.

If the victim shares details about the incident, the Responsible Employee will inform the Title IX Coordinator of the request for confidentiality or that no investigation be conducted or disciplinary action taken. UMUC’s Title IX Coordinator, in determining whether or not UMUC may honor the request, will weigh the victim's request against UMUC's obligation to provide a safe, non-discriminatory environment for all of its members, including the victim.

If UMUC honors the request, UMUC will inform the victim that its ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited, although protective measures may still be implemented.

If UMUC determines that it cannot honor the request, UMUC will inform the victim of its decision prior to starting an investigation and UMUC will, to the extent possible, only share the relevant information with those responsible for handling UMUC's response. A victim is not required to participate in any investigation or disciplinary proceeding.

In addition, reports of Sexual Misconduct (including non-identifying reports) may prompt UMUC to implement broader remedial action.

**D. Amnesty for Students Who Report Sexual Misconduct**

UMUC prohibits student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Misconduct to UMUC or law enforcement or participates in a Sexual Misconduct matter as a witness, if UMUC determines the following:
1. The violation occurred during or near the time of the alleged Sexual Misconduct;

2. The student made the report of Sexual Misconduct, or is participating in an investigation as a witness in good faith; and

3. The violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

E. Reporting to UMUC's Confidential Resource

Victims may seek assistance and support from UMUC's Confidential Employee without triggering an investigation or disclosure of the victim’s identity, with the exception of instances when the alleged perpetrator(s) poses a serious and immediate threat to the victim or larger UMUC Community. This employee will assist the victim, if requested, in receiving available and appropriate protective measures, and, in doing so, will only disclose information identifying the victim to the extent necessary to obtain such measures (See Section III.-Options for Immediate Assistance).

When a victim seeks assistance and support from UMUC's Confidential Employee, UMUC's ability to respond fully to the incident will be limited. UMUC will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Limits on Confidentiality: While maintaining a victim's confidentiality, the Confidential Employee, or his or her office, may provide a limited report – which would not include information that could directly or indirectly identify the victim – to the Title IX Coordinator to help keep the Title IX Coordinator informed of the general extent and nature of Sexual Misconduct within the UMUC Community.

The Confidential Employee may maintain a victim’s confidentiality with respect to the University, but he or she may have reporting or other obligations under state law including, but not limited to, response to a lawfully ordered subpoena.

F. Other Confidentiality Considerations

UMUC will protect the confidentiality of reports brought under this Policy except to the extent that there is an imminent danger or safety threat to members of the UMUC Community or as otherwise required by law, including, but not limited to, required disclosures under the Maryland Public Information Act and any lawfully issued subpoena. Victims’ personally identifiable information will not be included in any publicly available records, including the reporting and disclosure of crime statistics under the Clery Act.

Complainants, Respondents, witnesses and all persons involved in investigations or in resolving a complaint of Sexual Misconduct are asked to make a good faith effort to keep confidential all information relating to a complaint.

G. External Support Services and Resources

UMUC strongly encourages victims to seek assistance from one or more of the many external reporting resources, each which provides a range of support services and varying degrees of confidentiality. These resources include, but are not limited to, the National Sexual Assault Hotline, health and counseling services and centers, legal services, and law enforcement. (See Appendix A for contact information or contact UMUC's Confidential Resource for more information).
While these resources may provide you with many of the support services you need, contacting these resources does not constitute notice to UMUC and will not cause UMUC to take steps to provide protective measures or trigger an investigation. Victims may seek assistance from UMUC’s Confidential Resource, generally, without triggering an investigation by UMUC, in contacting these services or obtaining protective measures through the University (See Section V.(C)-Reporting and Confidentiality, Reporting to UMUC’s Confidential Resource).

A victim or others are strongly encouraged to contact UMUC’s Title IX Coordinator or another Responsible Employee for assistance in contacting these and other support services, but this will trigger UMUC’s obligation to investigate and eliminate the potential Sexual Misconduct, prevent its recurrence, and address its effects (See earlier subsections of Section V.-Reporting and Confidentiality).

VI. Interim Measures

Upon receiving a report of Sexual Misconduct, UMUC’s Title IX Coordinator will provide the parties with notice, in writing, of the interim measures available through UMUC and other external support services. Interim measures are the specific services, accommodations, or other assistance that UMUC provides to parties, as appropriate, in response to alleged Sexual Misconduct. In order to afford a safe and secure learning environment, either party can also request these protective measures from the Title IX Coordinator at any time during the investigatory and adjudicatory process, and thereafter. The Title IX Coordinator will determine which measures are available and appropriate on a case-by-case basis.

A victim who reports to UMUC’s Confidential Employee will also receive notice, in writing, of these protective measures (See Section V.-Reporting and Confidentiality).

Interim measures may include, but are not limited to:

- Academic accommodations: rearranging academic schedule; assistance in arranging incompletes, leaves, or withdrawal; and academic tutoring or support
- Employment Accommodations: temporary reassignment to other work duties and/or responsibilities or another work location
- Transportation Escort Services
- Options for and available assistance in obtaining no-contact or protective orders, and enforcing existing and lawful no-contact or protective orders

The parties will also be informed about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within UMUC or in the community.

VII. Investigative and Adjudicative Procedures

A. Reporting

1. After an incident of Sexual Misconduct has occurred a victim or a third party, such as UMUC students, faculty, and staff, as well as members of the public may report the misconduct to:
   a. Non-Confidential Resources
      i. UMUC’s Title IX Coordinator
ii. UMUC's Title IX Investigators
iii. UMUC Responsible Employees
iv. UMUC Security
v. Local Law Enforcement (See Appendix A for local law enforcement contacts for UMUC Stateside and Worldwide locations)

b. Confidential Resources
   i. UMUC's Confidential Employee (See Section V.-Reporting and Confidentiality)
   ii. Medical Assistance or other external support services (See Appendix A for Contact Information)

2. Once the Title IX Coordinator receives a report, he or she will initiate the investigatory process.

B. Preliminary Measures

1. Preliminary Investigation: The Title IX Coordinator will conduct a preliminary inquiry into the complaint in order to determine if interim measures should be taken and an informal resolution or formal investigation should occur.
   a. If the Respondent is unknown, the Title IX Coordinator will continue these procedures as necessary in order to ensure a safe, non-discriminatory environment for the entire UMUC Community, including the victim.
   b. If a Respondent is a third party, the matter may be referred to law enforcement with a request that a formal letter be issued to the third party denying access to the University's buildings or grounds for acting in a manner that disrupts or disturbs the normal educational functions of the institution. UMUC is authorized to deny campus access to a third party engaged in disruptive behaviors under Maryland State law.

2. Confidentiality Determination:
   a. A victim may request the following with respect to confidentiality:
      i. Confidentiality of personally identifiable information;
      ii. That no investigation into the incident be conducted; or
      iii. That no disciplinary action be taken.
   b. The Title IX Coordinator will weigh this request against UMUC's obligation to provide a safe, non-discriminatory environment for the entire UMUC Community, including the victim (See Section V.-Reporting and Confidentiality).

3. Interim Measures: The Title IX Coordinator will notify the parties of available interim measures and determine if any protective measures are appropriate (See Section VI.-Interim Measures).

4. Law Enforcement and Additional Assistance: At any time during the investigative and adjudicative process and thereafter, a victim may contact law enforcement to initiate the criminal complaint process. UMUC will continue its investigation and adjudication process while a concurrent law enforcement proceeding takes place to the extent permitted by law. In addition, a party may seek additional support services at any time, including, but not limited to, health and counseling assistance.
a. Sexual misconduct, especially sexual violence, may be a crime. Members of the Title IX team and Campus Security are available to assist any persons who wish to report sexual misconduct to the appropriate law enforcement authorities.

b. A victim located near a UMUC Maryland location can request transportation to a designated hospital equipped with a Sexual Assault Evidence Collection Kit to ensure appropriate medical treatment and the timely collection of physical evidence in the event the victim wants to make a criminal complaint. Please refer to Appendix B for a list of the hospitals with the closest proximity to UMUC’s Maryland locations and the persons designated to assist with transportation.

c. The standards for a violation of criminal law are different from the standards for a violation of this policy. As such, criminal investigations and proceedings do not determine the outcome of UMUC’s investigation into whether its policy has been violated.

C. Investigation And Adjudication

1. If the Title IX Coordinator determines that a complaint necessitates a formal investigation and adjudication, he or she will notify the Complainant and Respondent in writing.

2. Informal Resolution: Once the parties are notified of the necessity of a formal investigation and adjudication, either party may request informal resolution of the complaint, except in cases of sexual assault. In order to proceed, both parties must agree to participate. Either party may elect to end the informal resolution process at any time.

3. Formal Investigation and Adjudication – UMUC Stateside, Asia and Europe

   a. If the Respondent is a Student

      i. The Title IX Team, which includes the Title IX Coordinator and Investigators, will investigate a Sexual Misconduct complaint.

      ii. During the investigation the Title IX Team Member may administer oaths, obtain affidavits, conduct interviews as appropriate, and obtain relevant information necessary to investigate and determine appropriate results.

         a. If the Title IX Team Member does not find the Respondent responsible for a violation of this Policy, he or she will submit the investigative report, if applicable, to the Title IX Coordinator for review.

         b. The Title IX Coordinator will simultaneously notify the parties, in writing, of this investigative determination, along with the appeal procedures.

      iii. If the Respondent is found responsible for a violation of this Policy, the Title IX Coordinator will submit the investigative report to Code of Student Conduct Administrator to determine the appropriate sanctions.

      iv. The Code of Student Conduct Administrator will render a decision as to the appropriate sanctions and notify the Title IX Coordinator.

      v. The Title IX Coordinator will simultaneously notify the Complainant and Respondent, in writing, of the results, including both the investigative determination and any sanctions, to the extent permissible by law. This notice will also provide both parties with the appeal procedures.
b. If the Respondent is a Faculty Member

   i. The Title IX Team, which includes the Title IX Coordinator and Investigators, will investigate a Sexual Misconduct complaint.

   ii. During the investigation, a Title IX Team Member may administer oaths, obtain affidavits, conduct interviews as appropriate, and obtain relevant information necessary to investigate and determine appropriate results.

   iii. Once the investigation is complete, the Title IX Team Member will prepare an investigative report. The investigative report will include a summary of the relevant evidence gathered, an analysis of the evidence, and an investigative determination based on the preponderance of the evidence, as to whether it is more likely than not that the Respondent violated this Sexual Misconduct Policy.

      a. If the Title IX Team Member does not find the Respondent responsible for a violation of this Policy, he or she will submit the investigative report to the Title IX Coordinator, if applicable, for review.

      b. The Title IX Coordinator will simultaneously notify the parties, in writing, of this investigative determination, along with the appeal procedures.

   iv. If the Title IX Team Member finds the Respondent responsible for a violation of this Policy, the Title IX Team Member will submit the investigative report, if applicable, to the Title IX Coordinator for review. The Title IX Coordinator will submit the Investigative Report to the Provost’s designee to determine the appropriate sanctions.

   v. The Provost’s designee will render a decision as to the appropriate sanctions and notify the Title IX Coordinator.

   vi. The Title IX Coordinator will simultaneously notify the Complainant and Respondent, in writing, of the results, including both the investigative determination and, if applicable, any sanctions, to the extent permissible by law. This notice will also provide both parties with the appeal procedures.

   c. If the Respondent is Staff or Third Party

      i. The Title IX Team, which includes the Title IX Coordinator and Investigators, will investigate a Sexual Misconduct complaint.

      ii. During the investigation, a Title IX Team Member may administer oaths, obtain affidavits, conduct interviews as appropriate, and obtain relevant information necessary to investigate and determine appropriate results.

      iii. Once the investigation is complete, the Title IX Team Member will prepare an investigative report. The investigative report will include a summary of the relevant evidence gathered, an analysis of the evidence, and an investigative determination based on the preponderance of the evidence, as to whether it is more likely than not that the Respondent violated this Sexual Misconduct Policy.

         a. If the Title IX Team Member does not find the Respondent responsible for a violation of this Policy, he or she will submit the investigative report to the Title IX Coordinator, if applicable, for review.

         b. The Title IX Coordinator will simultaneously notify the parties, in writing, of this investigative determination, along with the appeal procedures.
b. The Title IX Coordinator will simultaneously notify the parties, in writing, of this investigative determination, along with the appeal procedures.

iv. If the Title IX Team Member finds the Respondent responsible for a violation of this Policy, the Title IX Team Member will submit the investigative report, if applicable, to the Title IX Coordinator for review. The Title IX Coordinator will submit the investigative report to the Vice President and Chief Human Resources Officer’s designee.

v. The Vice President and Chief Human Resources Officer’s designee will render a decision as to the appropriate sanctions and notify the Title IX Coordinator of this determination.

vi. The Title IX Coordinator will simultaneously notify the Complainant and Respondent, in writing, of the results, including both the investigative determination and, if applicable, any sanctions, to the extent permissible by law. This notice will also provide both parties with the appeal procedures.

D. Appeal

1. The Complainant and/or the Respondent may appeal the results, in writing, within 10 days of the date on the written notification.

   a. If the Respondent is a student, the appeal shall be addressed to the Provost's Office
      i. Within 30 days after receiving the appeal, the Provost or the Provost's designee will issue a written decision to the Complainant and Respondent and take appropriate action.
      ii. A copy of the appeal letter and the appeal decision shall be forwarded to the Title IX Coordinator for the file.

   b. If the Respondent is a member of the faculty, staff or third party, the appeal shall be addressed to the President's Office.
      i. Within 30 days after receiving the appeal, the President's designee will issue a written decision to the Complainant and Respondent and take appropriate action.
      ii. A copy of the appeal letter and the appeal decision shall be forwarded to the Title IX Coordinator for the file.

2. A party may appeal the results on the following bases:
   a. Procedural error that significantly influenced a decision in a negative way;
   b. New evidence that is substantial enough to alter the facts and findings and that could not have been previously discovered and presented by the appellant through reasonable diligence; and/or
   c. Disproportionate sanction such that the sanction was either too severe or not severe enough as compared to the findings and facts of the case.

E. Rights Of The Parties

1. Prompt and Equitable Investigation: The preliminary measures, investigation, and adjudicatory process, not including the appeal, is expected to take place within 60 calendar days from the time the report is brought to UMUC's attention.
a. UMUC may extend the 60-day timeframe for good cause. In those instances, UMUC will notify the Complainant and Respondent in writing of the delay and the reason for such delay.

b. The full investigation, including interviews with all involved parties as appropriate, and gathering of evidence, will usually be completed within 40 days of receipt of the complaint.

c. Results of the complaint including the fact-finding determination and, if applicable, the sanctions, are typically issued within 60 days of receipt of the complaint.

d. An appeal of the results must be submitted within 10 days of the date on the written notification.

2. Participation by the Parties
   a. Parties have the right to present relevant witnesses and evidence throughout the investigatory and adjudicatory process.

   b. In addition, the Complainant and/or Respondent have the right to decline participation in the investigatory and adjudicatory process. UMUC will continue its formal investigation and if necessary, adjudication, to the extent possible and with the available information, even if one of the parties declines to participate.

      i. If a Complainant declines to participate in the investigatory or adjudicatory process, UMUC’s ability to respond fully to the incident may be limited.

      ii. UMUC will also consider broader remedial action in an effort to eliminate the Sexual Misconduct, prevent its recurrence and address its discriminatory effects.

3. Similar and Timely Access to Information: The Title IX Team will provide similar and timely access to the Complainant and Respondent to the information to be used during the investigatory and adjudicatory process, to the extent permissible by law.

4. Advisors and Other Support:
   a. Advisor: The Complainant and the Respondent have the right to have an advisor present, at their expense, during any meeting related to an incident of Sexual Misconduct and application of this Policy.

   b. Other Support: The Complainant and Respondent may have another individual present for support who is not the advisor.

   c. Roles: The role of the advisor or other support person in any meeting or investigative interview is limited to quietly conferring with his or her advisee. The advisor or other support person may not address any other participant, including the Title IX Team Member conducting the meeting or investigative interview. The advisor or other support person shall not be a fact-witness to the proceedings and shall not delay or disrupt the proceedings in any way.

   d. Notice: Parties must provide 5 days advance notice to the Title IX Team Member of the name and role of any individual who will accompany them to any investigatory or adjudicatory proceeding.

5. Standard of Proof: The Title IX Team Member will use “preponderance of the evidence” as the standard of proof, which asks whether it is “more likely than not” that conduct prohibited under this policy occurred.

VIII. Sanctions and Other Remedies
A. Sanctions for those found responsible for a violation of this Policy include, but are not limited to:

1. Students
   i. Verbal or Written Reprimand
   ii. Disciplinary Probation
   iii. Restitution
   iv. Suspension in Abeyance
   v. Suspension
   vi. Expulsion

2. Staff/Faculty/ Third Party
   i. Verbal or Written Reprimand
   ii. Suspension
   iii. Termination of Employment
   iv. Termination of contract with a Third Party

B. Persons who commit Sexual Misconduct in violation of federal, state or local law may also be subject to criminal charges and penalties.

C. Ongoing Accommodations: Regardless of the results of the investigation and adjudication, a party may request ongoing or additional accommodations to UMUC's Title IX Coordinator. The Title IX Coordinator, in consultation with appropriate UMUC officials, will determine whether such measures are reasonable and appropriate. Potential ongoing accommodations may include, but are not limited to, those measures listed in Section VI.-Interim Measures of this Policy.

D. Broader Remedial Measures: UMUC may also determine that additional, broader measures are appropriate to eliminate sex discrimination, prevent its recurrence, and address its discriminatory effects. These measures may include appropriate education and/or training related to Sexual Misconduct. UMUC may also recommend counseling or other support services for the parties.

IX. Non-Retaliation Statement

Retaliation by a member of the UMUC Community against an individual, who makes a complaint of Sexual Misconduct, participates in an investigation of a complaint, supports a complaint, or testifies concerning a complaint is expressly prohibited by this Policy. Any UMUC faculty, staff, or student who encounters retaliation is strongly encouraged to immediately report such conduct to the Title IX Team. Any employee who is found to have retaliated is subject to disciplinary action, up to and including termination. A student who is found to have retaliated is subject to disciplinary action up to and including expulsion.

X. Prevention and Awareness Education

Education is an extremely important tool in eradicating sex discrimination, including Sexual Misconduct, from the UMUC workplace and educational programs. Incoming students and new employees will receive educational information to increase awareness about sex discrimination. Additional information will also be made available on an ongoing basis to members of the UMUC Community as requested. Copies of this Policy, at a minimum, are available from members of the Title IX Team and in the Fair Practices and Compliance Office.
XI. External Resources

Filing Complaints of Sexual Misconduct with Outside Agencies

In addition to filing a complaint under this Policy, members of the UMUC Community may contact external agencies. A person wishing to file a complaint with an external agency should contact the appropriate agency promptly in order to verify the time limits and deadlines for filing complaints.

Complaints involving violations of Title IX in the state of Maryland should be directed to:

- **Office for Civil Rights (OCR)**
  
  U.S. Department of Education
  
  The Wanamaker Building
  
  100 Penn Square East, Suite 515
  
  Philadelphia, PA 19107-3323
  
  Phone: **215-656-8514**
  
  Fax: 215-656-8605
  
  TDD: 800-877-8339
  
  E-mail: [ocr.philadelphia@ed.gov](mailto:ocr.philadelphia@ed.gov)

- **Office of Civil Rights Website**

Complaints involving Sexual Misconduct may be filed with:

- **Equal Employment Opportunity Commission (EEOC)**
  
  City Crescent Building
  
  10 S. Howard Street, Third Floor
  
  Baltimore, MD 21201
  
  Phone: **1-800-669-4000**
  
  Fax: 410-962-4270
  
  TTY: 1-800-669-6820

- **Equal Employment Opportunity Commission Website**

- **Maryland Commission on Civil Rights (MCCR)**
  
  William Donald Schaefer Tower
  
  6 Saint Paul Street, Ninth Floor
  
  Baltimore, MD 21202-1631
  
  Phone: **410-767-8600**
  
  Fax: 410-333-1841
  
  TTY: 410-333-1737

- **Maryland Commission on Civil Rights Website**

External Confidential Support Services

*See Appendix A for contact information for more confidential resources.*

1. **National Sexual Assault Hotline 1-800-656-HOPE (4673)**

2. **Maryland Coalition Against Sexual Assault (MCASA)**

Statewide Sexual Assault Information and Referral help line **1-800-983-RAPE**
3. Sexual Assault Legal Institute (SALI)

For more information, contact MCASA's SALI at 301-565-2277, or toll-free at 877-496-SALI

The Sexual Assault Legal Institute (SALI) is a program of the Maryland Coalition Against Sexual Assault (MCASA). SALI provides direct legal services for victims and survivors of sexual assault. SALI also provides technical assistance and training for attorneys, rape crisis and recovery center staff and volunteers, and other professionals working with survivors.

4. Domestic Violence and Sexual Assault Center at Dimensions Healthcare, Prince George's Hospital (DVSAC)

For more information, contact 301-618-3154

The Domestic Violence and Sexual Assault Center provides a range of medical and counseling services to victims of sexual assault and abuse, including, but not limited, crisis and follow-up counseling and forensic examinations.

<table>
<thead>
<tr>
<th>Current Policy</th>
<th>Prior Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Number</td>
<td>041.00</td>
</tr>
<tr>
<td>Date</td>
<td>10/11/16</td>
</tr>
<tr>
<td></td>
<td>3/16/15</td>
</tr>
</tbody>
</table>

CONTACT US

Request Info
855-655-UMUC

Help Center

Academic Center at Largo
1616 McCormick Drive,
Largo, MD 20774

Directions to Academic Center at Largo

Mailing Address
No classes or services at this location
3501 University Blvd. East,
Adelphi, MD 20783

© 2017 University of Maryland University College. All rights reserved.
MEMORANDUM

TO: All Employees

FROM: John R. Petrov, SPHR
Vice President and Chief Human Resources Officer
Office of Human Resources

SUBJECT: State of Maryland Substance Abuse Policy

Attached is the State of Maryland Substance Abuse policy that applies to all State employees. By receipt of this policy you acknowledge that the unlawful manufacture; distribution, dispensation, possession or use of a controlled substance is prohibited on State owned or utilized premises and violation of this policy can subject you to discipline up to and including termination. As a condition of your employment, you must abide by the terms of this policy and will notify your supervisor of any criminal drug conviction no later than five (5) days after such conviction. You further realize that federal law mandates that the employer communicate this conviction to the federal agency, and you hereby waive any and all claims that may arise from conveying this information to the federal agency.

The Executive Order requires that all employees receive a copy of the policy and acknowledge receipt. Please read the policy and sign this Acknowledgement of Receipt.

Acknowledgements must be placed in your personnel file.

SUBSTANCE ABUSE POLICY
ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of a copy of the Executive Order 01.01.1991.16 State of Maryland Substance Abuse Policy and conditions as stated above.

___________________________________
Employee Signature

___________________________________
Print Name

___________________________________
Date Signed
A. Definitions. In this Executive Order the following words have the meanings indicated:

(1) “Substance” means alcohol or drugs
(2) “Alcohol” means ethyl alcohol or ethanol.
(3) “Drug” means:
   (a) A controlled dangerous substance;
   (b) Any other substance which must be dispensed by a licensed health care professional;
   or
   (c) An over-the-counter drug
(4) “Abuse” means:
   (a) The use of an illegal drug;
   (b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the State employee or could impair the job performance of an applicant for State employment;
   (c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a State employee or could impair the job performance of an applicant for State employment;
   (d) The use of alcohol if it impairs job performance of the State employee or could impair the job performance of an applicant for State employment.
(5) “Workplace” means any place where an employee is performing work for the State of Maryland.
(6) “Employee” means:
   (a) A classified, unclassified, contractual, key employee, or other employee or official in the Executive Branch;
   (b) A volunteer who provides a service to or for a unit in the Executive Branch; or
   (c) A member of a Board or Commission in the Executive Branch.
(7) “Sensitive Employee” means an employee whose classification or position has been designated sensitive by the employee’s appointing authority or personnel system.
(8) “Conviction” means:
   (a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence; or
   (b) The staying of the entry of judgment and the placing of the defendant of probation after a finding of guilty or the acceptance of a plea of nolo contendere.
(9) “Alcohol Driving Offense” means:
   (a) Driving or attempting to drive while:
      (i) Intoxicated; or
      (ii) Under the influence of alcohol; or
   (b) Operating or attempting to operate a vessel while:
      (i) Intoxicated; or
      (ii) Under the influence of alcohol.
(10) “Controlled Dangerous Substance Offense” means:
(a) A controlled dangerous substance violation, under Article 27 of the Annotated Code of Maryland;
(b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;
(c) Driving or attempting to drive while:
   (i) Under the influence of drugs or drugs and alcohol; or
   (ii) Under the influence of a controlled dangerous substance; or
(d) Operating or attempting to operate a vessel while:
   (i) Under the influence of drugs or drugs and alcohol; or
   (ii) Under the influence of a controlled dangerous substance

B. General Policy. The State of Maryland establishes and adopts the following substance abuse policy for the Executive Branch of State Government:
(1) The State of Maryland is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress.
(2) All employees in the workplace must be capable of performing their duties.
(3) Employees experiencing substance abuse problems are encouraged to seek assistance through:
   (a) Their employer;
   (b) Self-referral to an alternative certified rehabilitation program.
   (c) Self-referral to an alternative certified rehabilitation program
(4) An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.
(5) Employees are prohibited from:
   (a) Abusing alcohol or drugs;
   (b) Committing a controlled dangerous substance offense; or
   (c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.
(1) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action.
(2) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee’s appointing authority within 5 work days.
(3) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:
   (a) Convicted of an at-the-workplace alcohol driving offense; or
   (b) Found under the influence of alcohol while at-the-workplace.
(4) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:
   (a) On the first conviction be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;
(b) On the second conviction, at a minimum, be suspended for at least 5 days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;

(c) On the third conviction, be terminated.

D. Drug Abuse Policy
(1) Working under the inappropriate influence of prescription drugs or over-the-counter drugs is a violation of this policy and shall subject the employee to disciplinary action.
(2) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.
(3) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 work days.
(4) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
(5) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program designated by an employee assistance program, as provided for by the appointing authority’s drug testing protocol.
(6) A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:
(a) Be suspended for 5 work days; and
(b) Be required to participate successfully in a drug treatment program designated by an employee assistance program.

E. General Sanctions. Any employee otherwise in violation of this Executive Order shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.
(1) When an appointing authority learns or, based on observation or reliable information, suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the appointing authority shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.
(2) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education. All appointing authorities shall educate and inform their employees about:
(1) The dangers of drug and alcohol abuse in the workplace and the community at large;
(2) The State of Maryland’s policy of maintaining a drug-free workplace;
(3) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
(4) The penalties that may be imposed upon employees for violations of this Executive Order.

H. Implementation.
(1) The Secretary of Personnel and the head of every other personnel system in the
Executive Branch shall adopt such policies and regulations as are necessary or desirable for the implementation of this Executive Order.

(2) All appointing authorities are responsible for implementing and enforcing and monitoring compliance with the requirements of this Executive Order.

(3) All employees are required to acknowledge receipt of a copy of this Executive Order by returning an acknowledgement of receipt to their supervisor for insertion in their personnel file.
VII - 1.10 - POLICY ON A DRUG AND ALCOHOL-FREE WORKPLACE FOR EMPLOYEES

(Approved by the Board of Regents, January 2, 1989; Amended October 9, 2015)

I. PURPOSE

This policy is intended to affirm the University of System of Maryland (USM) commitment to maintain a safe and healthy drug and alcohol-free workplace for all employees, students and visitors, and to minimize the risk that illegal drugs and controlled substances pose to USM institutions.

II. POLICY

A. The USM is committed to maintaining a drug and alcohol-free workplace that is compliant with applicable federal and state laws. The following are prohibited activities under this policy on all premises owned, operated or controlled by the USM and its institutions:

1. the unlawful possession, use, distribution, dispensation, sale or manufacture of illegal controlled substances by covered employees;

2. the use by covered employees of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where such use is not permitted;

3. reporting to work or working under the influence of drugs or alcohol by covered employees; and,

4. hiring anyone who is known to currently abuse drugs or alcohol who is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program.

B. As a condition of USM employment, all employees must abide by the terms of this policy. Employees found to be in violation of this policy are engaged in serious misconduct and may be subject to appropriate disciplinary action applicable in their institution, and/or required to participate in appropriate drug and/or alcohol abuse rehabilitation programs.
III. APPLICABILITY

A. This policy applies to all USM regular and contingent faculty and staff, postdoctoral assistants, graduate assistants, and student employees.

B. Employees working on a federal grant or contract must notify their supervisor or Department head of any criminal drug convictions in the workplace no later than 5 days after such conviction. Within 10 days of the reported conviction, the Institution must provide written notice to any federal sponsor of grants or contracts on which the convicted employee was working.

C. To the extent that federal or state law standards are more stringent than the requirements of this policy, the applicable federal or state standards shall apply.

IV. GENERAL

A. Possible violations of the provisions of this policy shall be referred to the institution’s Chief Human Resources Officer or other designated institutional official for investigation and when warranted, determination of appropriate administrative/disciplinary action, up to and including termination and, if warranted, referral for criminal prosecution.

B. Any disciplinary actions imposed shall be consistent with the nature of the violation, and may include, but are not limited to, counseling, reprimand, suspension, demotions, denial of pay increment, denial of promotion, unsatisfactory performance evaluation, reassignment, termination; and/or employee assistance program (EAP) referral to an appropriate rehabilitation program. An institution may make successful completion of a rehabilitation program a condition of continued employment for the employee.

C. Employees for whom successful completion of a rehabilitation program is a condition of continued employment shall provide documentation of successful completion of a program designated by the institution.

D. All records related to an employee’s substance abuse are confidential and shall be kept by the appropriate administrator of the EAP or other designated institutional official. Such records shall not be included in the employee’s personnel file. However, personnel files may contain non-medical records related to disciplinary actions taken as a result of violation of this policy.
E. Institutions may designate certain positions as “sensitive”. Violations of this policy by persons employed in “sensitive” positions shall constitute willfull misconduct and shall be deemed grounds for immediate removal of the employee from the duties of the position, pending further investigation. Examples of such positions include:

1. Positions with a significant degree of responsibility for the safety of one or more persons where impaired performance could result in death or injury to the employee or one or more persons;

2. Positions requiring the carrying of a firearm;

3. Positions directly involved in narcotics law enforcement or efforts to interdict the flow of narcotics;

4. Positions having substantial access to, control and/or research use of a controlled dangerous substances;

5. Positions having access to Tier 1 biological select agents and toxins (BSAT);

and,

6. Positions, as determined by the President or designee in writing, for which impairment may result in significant harm to public safety or security, or present a threat to the health or safety of institution students, employees or visitors.

V. SUBSTANCE TESTING

The President or designee of each USM institution shall determine the sensitive positions that are subject to testing for substance abuse. Each institution shall develop procedures on pre-employment and random drug testing for those positions determined to be sensitive. The Institution Human Resources Department shall maintain a list of those eligible for random testing. Employees in sensitive positions shall be individually notified of such designation and of the provisions of this policy, by the appropriate administrator.

VI. NOTIFICATION AND REVIEW

Each institution shall establish drug abuse awareness programs to promote the maintenance of a workplace free of alcohol and drug abuse and to inform employees about:
A. The USM Drug and Alcohol-Free Workplace Policy;
B. The dangers of alcohol and drug abuse;
C. Available counseling, rehabilitation, and employee assistance programs; and
D. The consequences that may be imposed upon employees for violations of this policy.

VII. IMPLEMENTATION

Each president shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.
Policy 090.00
UMUC Contractor Code of Ethics

Originator: Office of Legal Affairs

Subject: UMUC Contractor Code of Ethics

I. Purpose
As a federal contractor, University of Maryland University College (UMUC) must maintain high ethical standards and comply with all applicable laws, rules, and regulations. Adherence to this Code is required for UMUC as a federal contractor in accordance with Federal Acquisition Regulation (FAR) 52.203-13 Contractor Code of Business Ethics and Conduct.

II. Definitions

B. Compliance Program: UMUC's written procedures and practices that are designed to ensure all employees are aware of its Contractor Code of Ethics and adhere to its standards.

C. Employee: Any person employed by UMUC, including all faculty and staff, regardless of division or employment status.

D. Overseas Employee Code of Conduct: The Code of Conduct that applies to all employees assigned to or visiting UMUC's overseas divisions (both in Asia and Europe). This Code of Conduct is available on the overseas divisions' intranet sites and copies can be received by contacting the Office of the Senior Vice President for Overseas Operations.

III. Employee Obligations Under the Code
Employees must comply with this Code and if they do not, they may be subject to disciplinary action, up to and including termination of their employment with UMUC. Specific Obligations all employees have under this Code include the following:

A. Duty to Report: All employees have a duty to report all suspected violations of the Code or other potentially unethical behavior by anyone, including other employees and contractors. Reports may be made to UMUC's Office of Legal Affairs at legal-affairs@umuc.edu or to UMUC's Ombuds Office at ombudsman@umuc.edu. Anonymous reports may be made to USM's Office of Internal Audit Fraud Hotline.

B. Compliance with Laws: All employees are required to follow all federal, state and local laws applicable to them during their employment with UMUC. This includes, but is not limited to, criminal laws regarding fraud, conflicts of interest, and bribery.
C. Discrimination/Harassment Prevention & Elimination: UMUC's Policy and Procedures on Affirmative Action, Equal Opportunity and Sexual Harassment was established to prevent or eliminate discrimination and/or harassment in accordance with due process while protecting the rights of our students, faculty, and staff. Under this Policy and Procedures, employees are required to fully cooperate with any investigations of alleged discrimination and/or harassment. If an employee fails to do so or provides false information during an investigation, the employee may be subject to disciplinary action, up to and including termination of employment. See UMUC Policy 040.30 - Affirmative Action and Equal Opportunity.

D. Drug-Free Workplace: All UMUC employees are subject to the University System of Maryland's Policy on a Drug-Free Workplace. In accordance with this Policy, UMUC's workplace should be free from the illegal possession or distribution of controlled substances. In addition to any legal penalties that may be applicable to employees, they will also be subject to disciplinary action if they violate USM's Policy on a Drug-Free Workplace.

E. Conflicts of Interest: Employees are obligated to avoid situations and activities which could conflict with their employment at UMUC. Employees must also comply with the Maryland Public Ethics Act. This includes the following:

1. An employee may not participate in a matter involving a company or other business entity in which he or she or certain relatives (spouse, father, mother, sister, brother, or child) have a legal or financial ownership interest.

2. An employee may not participate in a matter involving a company or other business entity in which he or she or certain relatives (spouse, father, mother, sister, brother, or child) are employed or may be employed.

3. An employee may not have a financial interest in, or be employed by, an entity having or negotiating a contract with UMUC. This includes serving on a private board of directors, even if there is no compensation for this service.

4. An employee may not hold any secondary employment relationship that would impair the employee's impartiality and independence of judgment.

5. An employee may not intentionally use the prestige of his/her employment or of UMUC for his/her own private gain.

6. Miscellaneous unsolicited gifts of a nominal value, not including cash and gift cards, may be accepted by employees. However, an employee may not solicit gifts and may not knowingly accept any gift, directory or indirectly, if it would result in an actual or a perceived conflict of interest. This could be when the gift is from any person whom the employee knows or has reason to know:
   a. is doing or seeking to business of any kind with UMUC,
   b. is engaged in activities that are controlled by UMUC,
   c. has financial interests that may be substantially affected in a specific way by the employee, or
   d. is a lobbyist with respect to the matters within UMUC's functional jurisdiction.

7. An employee may not disclose confidential information acquired during his/her employment for his/her own or another’s economic benefit.
F. **Confidentiality:** Employees may require access to confidential, personal information in order to perform their job duties. This information may include confidential student and/or employee records and other documents which contain personally identifiable information (PII), collectively referred to as "Confidential Information". With respect to Confidential Information, employees have the following obligations:

1. Employees shall ensure that they comply with all applicable UMUC and USM policies, procedures, and practices concerning the confidentiality of records and PII. This includes UMUC's Policy 210.14 – Disclosure of Student Records, Policy 055.00 – Public Records Containing Sociological Information, and Policy 400.20 – Inquiries Regarding Employees.
2. Employees shall not disclose, permit access to, or otherwise allow disclosure of Confidential Information unless they are specifically permitted or required to do so in order to perform their job duties.
3. Employees shall not maintain any documents which contain Confidential Information unless required to do so in the performance of their job duties.

G. **Overseas Employee Code of Conduct:** Employees who are employed by or visiting UMUC's overseas divisions are also obligated to abide by this Code of Conduct.

H. **Supervisory Employees:** In addition to the obligations already stated in this Code, supervisory employees:

1. Shall ensure that the employees they supervise are acting in a manner consistent with this Code, and
2. Shall not direct the employees they supervise to participate in, approve or tolerate any violation of any provision of this Code.

IV. **Additional Information About Code**

For additional information about this Code, please contact the Office of Legal Affairs at legal-affairs@umuc.edu

<table>
<thead>
<tr>
<th>Current Policy</th>
<th>Prior Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Number</td>
<td>090.00</td>
</tr>
<tr>
<td>Date</td>
<td>11/11/13</td>
</tr>
</tbody>
</table>
APPENDIX F
Policy 390.40
Alcoholic Beverages

**Originator:** Chief Financial Officer/Vice President for Administration

**Subject:** Policy on Alcoholic Beverages

**I. Introduction**
In accordance with the University System of Maryland Policy VI-8.00—Policy on the Use of Alcoholic Beverages at University System Institutions and Facilities, this Policy provides UMUC's rules governing the use of alcoholic beverages consistent with state regulations.

**II. Policy**
UMUC funds may not be used for the purchase of alcoholic beverages unless the purchase is for:

A. Beer, wine and other alcoholic beverages purchased for resale in the Inn and Conference Center under the Prince George's County liquor license.

B. Wine or alcoholic beverages purchased for short courses in wine making, wine serving or similar programs conducted by UMUC.

C. Charges against program accounts for alcoholic beverages for receptions or social hours as requested and reimbursed by client or sponsoring organizations.

D. **For UMUC Overseas Divisions only**, the purchase may be made for alcoholic beverages for official UMUC meetings or events as follows:
   1. Only when it is necessary and consistent with local custom or the nature of the occasion, and
   2. With prior written authorization by the Vice President/Division Director. The request for such authorization must include a full description of the purpose of the function and a general description of the audience/attendees. Examples of such meetings are events are commencements receptions and exercises, faculty receptions/meetings, holiday or similar parties customary in the host country.

<table>
<thead>
<tr>
<th>Current Policy</th>
<th>Prior Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Number</td>
<td>390.40</td>
</tr>
<tr>
<td>Date</td>
<td>08/11/09</td>
</tr>
</tbody>
</table>
APPENDIX G
# Table of Contents

## UMUC STATESIDE

**UMUC Stateside Safety and Security** ................................................................. 1
  * Timely Warnings .................................................................................................. 2
  * Public Crime Log ................................................................................................. 2
  * Security Awareness and Crime Prevention .......................................................... 2
  * Reporting a Crime / Emergency and Public Safety Contact Information .......... 2
  * Emergency and Public Safety Contact Information for Stateside Civilian .......... 3
  * Emergency and Public Safety Contact Information for Stateside Military .......... 5
  * Emergency Response Procedures ...................................................................... 7
  * Response Emergency Assessment Team (REACT) ............................................. 8

**Sexual Misconduct Policy** ................................................................................. 9
  * Investigative and Adjudicative Procedures under UMUC Policy 041.00 .......... 9
  * Prevention and Awareness Programs .................................................................. 10
  * Sex Offender Registry ....................................................................................... 10
  * Title IX Coordinator and Title IX Team ............................................................ 11
  * External Confidential Support Services ............................................................ 11

**Collection of Clery Crime Statistics** ............................................................... 12
  * Crime Definitions ................................................................................................. 12

**UMUC Stateside Crime Statistics** ................................................................. 14
  * Adelphi Headquarters ...................................................................................... 15
  * Stateside Civilian Campus Locations .................................................................. 17
  * Stateside Civilian Non-Campus Locations .......................................................... 36
  * Stateside Military Campus Locations ................................................................. 39
  * Stateside Military Non-Campus Locations .......................................................... 72

## UMUC EUROPE

**UMUC Europe Safety and Security** ................................................................. 75
  * Emergency Contact Information ........................................................................ 75
  * Timely Warnings ................................................................................................. 75
  * Security Awareness and Crime Prevention .......................................................... 75
  * Response Emergency Assessment Team (REACT) ............................................. 77

**Sexual Misconduct Policy** ................................................................................. 77
  * Investigative and Adjudicative Procedures under UMUC Policy 041.00 .......... 77
  * Prevention and Awareness Programs .................................................................. 78
  * Sex Offender Registry ....................................................................................... 79
  * Title IX Coordinator and Title IX Team ............................................................ 79
  * External Confidential Support Services ............................................................ 79

**Collection of Clery Crime Statistics** ............................................................... 80
Crime Definitions ................................................................. 80

UMUC Europe Crime Statistics ......................................................... 82

Europe Headquarters ..................................................................... 82

Europe Non-Campus Military Locations ....................................... 84

UMUC ASIA

UMUC Asia Safety and Security ..................................................... 94

Emergency Contact Information ................................................ 94

Timely Warnings .......................................................................... 94

Security Awareness and Crime Prevention ................................... 95

Response Emergency Assessment Team (REACT) ......................... 96

Sexual Misconduct Policy ............................................................. 96

Investigative and Adjudicative Procedures under UMUC Policy 041.00 ... 96

Prevention and Awareness Programs ........................................... 97

Sex Offender Registry .................................................................. 98

Title IX Coordinator and Title IX Team ........................................ 98

External Confidential Support Services ........................................ 98

Collection of Clery Crime Statistics ............................................... 99

Crime Definitions ........................................................................ 99

UMUC Asia Crime Statistics .......................................................... 101

Asia Headquarters ....................................................................... 101

Asia Non-Campus Military Locations ......................................... 103

ADDITIONAL DISCLOSURES (ALL DIVISIONS)

Notification of Rights under FERPA for Post-Secondary Institutions .... 112

Peer To Peer File Sharing ........................................................... 113

Drug Prevention Program ............................................................. 114
Once an effective DMCA takedown request is submitted, UMUC will act expeditiously to remove or block access to the infringing material.

**DRUG PREVENTION PROGRAM**

**Introduction**

University of Maryland University College (UMUC) complies with federal, state and local laws that regulate or prohibit the possession, use or distribution of alcohol or illicit drugs. The following information applies to all UMUC full-time, part-time, and temporary faculty, staff and students and to all activities either conducted on UMUC’s premises or sponsored by UMUC.

**Standards of Contact**

All UMUC students, faculty, and staff are prohibited from unlawfully possessing, using, manufacturing, distributing or dispensing alcohol or any controlled substance on UMUC’s premises or at UMUC sponsored activities. UMUC expects all faculty, staff, and students to comply with applicable laws and regulations pertaining to possession, use, manufacture, distribution, or dispensation of alcohol or controlled substances, whether or not such laws are mentioned in this Report. All employees are expected to report to work free of the influence of alcohol or any illicit drug. All students are expected to report to classes and other educational meetings free of the influence of alcohol or any illicit drug.

**UMUC’S Sanctions**

UMUC will impose disciplinary sanctions on any student or employee (faculty and staff) who violates the standards of conduct regarding drug and alcohol use.

Any student who violates any of the applicable standards of conduct is subject to disciplinary action and penalties, up to and including possible expulsion from the University, in addition to referral to the appropriate law enforcement authorities for prosecution. Further information can be found in UMUC’s [Code of Student Conduct](http://www.umuc.edu/policies/studentpolicies/stud15100.cfm), which expressly prohibits the unlawful use, possession, distribution, or possession for purposes of distribution of any controlled substance, illegal drug, or alcohol on UMUC premises or at UMUC-sponsored activities.

Any employee who violates any of the applicable standards of conduct is subject to disciplinary action and penalties, up to and including possible termination of employment, in addition to referral to the appropriate law enforcement authorities for prosecution. Further information can be found in [VII-1.10- University Of Maryland System Policy On A Drug-Free Workplace](http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII110.html) and in [Executive Order 01.01.1991.16 - the State of Maryland Substance Abuse Policy](http://www.dbm.maryland.gov/employees/Documents/Policies/SubstanceAbusePolicy.pdf).

**Summary of Legal Sanctions**

UMUC offers courses and programs at locations throughout Maryland and the Washington, DC/Virginia metro area. In addition, courses and programs are offered overseas in several countries on military installations. The primary locations overseas are in Germany and Japan. The following is a summary of current legal penalties in Maryland, Germany, and Japan for violations of drug and alcohol laws.

**Note:** Outside the United States, many UMUC locations are connected to U.S. military installations and thus are subject to military jurisdiction in addition to local foreign law. At UMUC’s Civilian overseas locations, all employees and students should be aware that they may be subject to the drug and alcohol laws and regulations of the host country. For additional information, please contact the Area Director.

**U.S. Federal Law**

Penalties for Possession: The Controlled Substances Act, 21 U.S.C. §§ 801, et seq. sets forth schedules of controlled substances. It is unlawful to possess any controlled substance without a valid prescription. This includes, but is not limited to, those drugs commonly described as "illegal drugs" such as marijuana, hashish, cocaine, PCP, LSD, methamphetamine, and heroin. Penalties for simple possession include fines of $1,000 or more and imprisonment of not more than one year for a first offense. Subsequent convictions carry much higher fines and greater prison terms. The penalties also increase significantly if a mixture containing cocaine base is
involved. Penalties will vary depending on the amount and type of drug involved, as well as other factors. In addition, any individual who knowingly possesses a controlled substance may be liable for a civil penalty up to $10,000. Attempt and conspiracy carry the same maximum punishment as the object crime. See 21 U.S.C. §§ 844a.

Penalties for Trafficking: It is unlawful to manufacture, distribute, dispense, or possess with the intent to manufacture, dispense, or distribute, a controlled substance. First offenders for possession can also be ordered into drug treatment and community service. The penalties are doubled for adults who distribute drugs to minors. For a second offense, the penalties are tripled. The federal trafficking penalties are available on the U.S. Drug Enforcement Administration’s website at www.justice.gov/dea/druginfo/ftp3.shtml.

Proximity to School Property: The punishment for possession or trafficking in a controlled substance is greatly increased if the offense was committed within 1,000 feet of a school, including a college or university, or other public property. An offender will be subject to twice the maximum authorized punishment and harsher sentencing restrictions, with a minimum one-year prison term. A second offense triples the fine and carries a minimum three-year prison term. See 21 U.S.C. § 860.

Drug Paraphernalia: Under Federal law, it is unlawful to sell, offer for sale, import, export, or use the mail or interstate commerce facilities to transport drug paraphernalia. Penalties include a fine and imprisonment for up to three years. See 21 U.S.C. § 863.

Loss of benefits: Among other sanctions, such as forfeiture of property and civil penalties, a person convicted of any Federal or State offense involving possession of a controlled substance can be denied Federal benefits such as loans, grants, contracts, and professional licenses, for a period of up to one year for a first offense and up to five years for subsequent offenses. Also, he or she can lose eligibility for assistance such as social security and food stamps. For trafficking or distribution crimes, a person can lose benefits for up to five years with the first conviction; up to ten years for a second conviction; and permanently for a third conviction. See 21 U.S.C. § 862, 862a.

Maryland Law

In addition to the Federal laws summarized above, the State of Maryland has its own laws dealing with controlled substances. The Maryland Controlled Dangerous Substances Act is codified in Title 5 of the Criminal Law Article of the Maryland Code.

Drug Offenses: Possessing or administering a controlled dangerous substance, unless obtained by prescription, is a misdemeanor, subject to imprisonment not exceeding 4 years or a fine not exceeding $25,000 or both, or if the crime involves marijuana, imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

Distribution: A maximum of five years imprisonment or a fine not exceeding $15,000 or both is the penalty for a first offense of manufacture, distribution, dispensing or possession with intent to distribute. With respect to a Schedule I or II narcotic drug, the penalty is up to 20 years or a fine up to $25,000. For subsequent offenses, the penalties are substantially increased. If the offender is convicted as a "drug kingpin," even the first offense can carry a fine of up to $1,000,000 and 20-40 years imprisonment without parole.

Proximity to School Property: Anyone who manufactures, distributes, dispenses, or possesses with intent to distribute a controlled dangerous substance within 1,000 feet of an elementary or secondary school, or on a school vehicle, will be subject to an additional prison term up to twenty years and/or a fine of up to $20,000 for first offense, which doubles to 5-40 years imprisonment and/or $40,000 fine for a second offense.

Drug Paraphernalia: Delivering, selling, manufacturing, or possessing with intent to deliver drug paraphernalia is a misdemeanor with a fine of up to $500, and for each subsequent violation, imprisonment not exceeding 2 years and/or a fine up to $2,000. Several Maryland jurisdictions have their own laws prohibiting the sale, display, distribution, or possession with intent to sell, of drug paraphernalia. Depending upon the particular local law, a violation may be punishable by fine of up to $1,000 and/or possible imprisonment of up to six months.

Alcohol: Drinking alcoholic beverages is prohibited on public property under Maryland State law and under many county and local codes within Maryland. Many jurisdictions, either under State law or their own codes, also prohibit the possession of alcohol in an open container on public property or shopping center property, these laws generally carry fines ranging from $100 to $500 for a violation, and some also provide for jail terms ranging from 5 to 90 days.

Maryland law also makes it a misdemeanor to be intoxicated in public and cause a public disturbance, or to be intoxicated and endanger the safety of another person or of property. This carries a fine of up to $100 and up to 90 days imprisonment.
It is illegal for persons under age 21 to possess alcoholic beverages with intent to consume them, and for anyone to falsify or misrepresent his or her age or another person's age to obtain alcohol. The penalty is a fine not exceeding $500 for the first offense and up to $1,000 for repeat offenses. It is also illegal in most circumstances to obtain or give alcohol to a person under age 21. The penalty is a fine not exceeding $1,000 for a first offense and up to $1,500 for subsequent violations.

**German Law**

Under the German narcotics law, there are three categories which are listed in three different subsections of the law as follows:

**Subsection 1: Illegal narcotics.** Examples are substances like Marihuana, Hashish, Heroin, LSD as well as the drugs traded among minors as Ecstasy (MDMA, MMDA, MDE, MDA, DOB). In the case of Cannabis products (Hashish, Marihuana), the seed is exempt from the narcotics law. If the seed is cultivated as a drug, then it is included again in the narcotics law. Furthermore, the cultivation of the so called utilizable hemp (part of THC up to 0.3%) is also exempt from the narcotics law. The Ministry of Agriculture must provide a special authorization.

**Subsection 2: Narcotics not available by prescription but permitted in certain circumstances.** These are substances needed by the pharmaceutical industry for the manufacturing of medications. Examples are Cocaine leaves, Delta-9-Tetrahydrocannabinol (psychotropic substance in Hashish, Marihuana, THC), Dihydromorphine (basic substance in Morphine), Drimethadone (interim Methadone substance), Papaver Orientale (Sleeping Poppy) Pethidine Acid, Norpethidine.

**Subsection 3: Narcotics available by prescription.** These are medications which fall under the narcotics law, but which can be prescribed by a medical practitioner. Examples are: Amphetamine barbital (prescribed as Secobarbital, a strong sleeping and pain-killing drug), different forms in the Benzodiazepine group like Promazepam, Diazepam, Flunitrazepam, Trizazepam. These substances are also contained in strong sleeping and pain-killing drugs as well as in psychiatric drugs. Other substances are Fenetyllin: name of the drug: Captagon (psychiatric drug), Fentanyl (like Durogesic, a strong pain-killing drug), Buprenorphine: name of the drug: Temgesic (a strong pain-killing drug), Hydromorphone: name of the drug: Dilaudid (a strong pain-killing drug), further substances like Levomethadone (name of the drug: L-Polamidon) or Methadone (name of the drug: Polamidone), as well as Dronabinol (pharmaceutical name for Delta9 Hydrahydrocabinol: name of the drug: Marinol), Cocaine (as local narcotics in ophthalmology), as well as Codeine (in the case of respiratory diseases or as substitute for Heroine drug addicts).

Under the German narcotics law, any contact (except consumption) with the substances under subsections 1, 2 or 3 puts the person under penalty. Although consumption is not punishable, the acquisition or possession of the narcotic is punishable.

According to § 29 of the narcotics law, the cultivation, production, trade, import, export, disposal, delivery, trafficking, acquisition or obtaining these substances under any other way is submitted to penalty. The above mentioned offences are punished with a prison sentence of up to 5 years or with a fine. The narcotics law does not differ between so called “hard” and “soft” drugs. Such differences are made during the punishment verdicts on a case by case basis.

According to § 29 of the narcotics law, persons who are themselves not directly in contact with the drugs but who inform about, provide or grant others with opportunities for the unauthorized consumption, acquisition, and delivery are also punished with a prison sentence of up to 5 years or with a fine. This regards the advertising for drugs as well as providing rooms at disposal for the drugs consumption.

According to § 29, section 3, the earlier mentioned drug penalties have been increased. This concerns the trading or the actions endangering the health of more persons respectively. The penalty will be prison sentence not under 1 year.

According to § 29, section 5, the narcotics law allows the courts the possibility to dismiss a criminal proceeding when the drug consumer cultivates, produces, imports, exports, acquires or obtains in any other way or possesses only for personal use in small quantities the drugs listed in subsection 1-3. The small quantity is not defined neither by law nor by jurisdiction, so it can be stated that a dismissal of a criminal proceeding will be done through an individual decision by the respective court.

Since the verdict of the Federal Constitutional Court (the “Cannabis verdict”) the jurisdiction acquired a certain attitude regarding the Cannabis drugs Hashish and Marihuana. This attitude differs from one Bundesland to the other. In the Department of Public Prosecution Ellwangen/Jagst criminal proceedings are dismissed with quantities up to 3 grams of Hashish and 5 grams of Marihuana in the case of a first time offender if no persons were endangered.

In addition, § 29 of the narcotics law contains a penalty increase. This concerns delinquents who are older than 21 years and who deliver, administer or leave to direct consumption to persons under 18 years the drugs listed in subsection 1-3. (Exceptions are here
again medical practitioners, dentists and veterinarians). Furthermore, the increase of penalty, for a period not under 1 year, is effective with the delivery, production or possession of drugs not in small quantities according to the subsections 1-3 of the narcotics law. The significant quantities values are defined by the jurisdiction and amount to:

- **Heroine**: 1.5 grams 
- **Morphine**: 4.5 grams 
- **Methadone**: 3 grams 
- **Opium**: 200 consumer units corresponding to 5 grams 
- **Morphinehydrochlorid**: 
- **Cocaine**: 3 grams 
- **Cannabis products**: 7.5 grams Tetrahydracanabiol (THC) 
- **Lysergid (LSD)**: 300 trips corresponding to 6 mg Lysergid 
- **Amphetamine**: 10 grams 
- **Ecstasy**: MDMA: 300 consumer units corresponding to 24 grams 
- **MDMA-base**
- **MDE**: 200 consumer units corresponding to 34 grams MDE Hydrochloride 
- **MDA**: 250 consumer units corresponding to 30 grams MDA Hydrochloride 

In § 30 of the narcotics law there are additional penalty increases. In the following situations, the penalty increases to not under 2 years:

- when narcotics are cultivated, produced or traded and the delinquents 
- act as a member of a gang, 
- join together with the aim of continuing such acts, respectively deal commercially 
- cause death thoughtlessly by dispensing narcotics 
- and import a significant amount from a foreign country

In § 30a of the narcotics law, increases of the offenses include additional penalties of imprisonment of not under 5 years. Perpetrators, as members of a gang, fall under this law if they conspired to continue committing offenses according to the narcotics law, cultivate, manufacture, deal with, import or export narcotics in a significant amount. The same is true for perpetrators who are over 21 years old and instruct people under 18 years of age:

- to deal with narcotics 
- import or export narcotics 
- or give it to people in any other way.

If a person carries a firearm or any other weapon, which could harm other people, with him when carrying out an offense, the penalty increases to not under 5 years.

Also, § 32 of the narcotics law contains provisions that are punished as irregularities. These are not offenses, but legal violations that can be fined up to an amount of DM 50,000. These provisions concern people who may work with narcotics according to an exceptional permission.

**Japanese Law**

Students and employees at the UMUC Asia are subject to local laws relating to possession and distribution of illegal drugs. Active Duty military personnel stationed in Japan may be subject to both Japanese laws and the Uniform Code of Military Justice (UCMJ). Students and employees located in other countries should be aware that the applicable legal penalties of their host country may be different and perhaps more severe than the United States laws which they may be accustomed.

**Marijuana Control Law**

**Art 24.** Anyone who grows, imports and exports marijuana, without due authorization, shall be punished with imprisonment for less than 7 years with labor.

**Art 24, para 2.** Anyone who violates the above, without due authorization, with the purpose of making a profit, shall be punished with imprisonment for less than 10 years with labor or under some circumstances of the offense, less than 10 years with labor and a fine of 3 million yen.
Art 24-2. Anyone who possesses, receives or transfers marijuana, without due authorization, shall be punished with imprisonment for less than 5 years with labor.

Art 24-2, para 2. Anyone who, without due authorization, violates the above with the purpose of making a profit shall be punished with imprisonment for less than 7 years with labor or under some circumstances of the offense, less than 7 years with labor and a fine of 2 million yen.

Art 24-3. Anyone who falls under the following shall be punished with imprisonment for less than 5 years with labor.

Immigration-Control and Refugee-Recognition Act

Art 24. Any foreigners who fall under the following shall be ordered to leave Japan.

Art 24, para 4, item 8. Anyone who violates the Narcotics and Psychotropic Control Law, Marijuana Control Law, Opium Law or Stimulant Control Law and Penal Code of Japan, Chapter 14 and is convicted.

Magic Mushrooms

Anyone who, without due authorization, grows or imports magic mushrooms shall be punished with imprisonment for more than 1 year with labor and less than 10 years with labor. Anyone who possesses or transfers magic mushrooms shall be punished with imprisonment for less than 7 years with labor. Anyone who solicits shall be punished with imprisonment for less than 3 years with labor.

Stimulant Control Law

Art 41. Anyone, who without due authorization, imports, exports or manufactures stimulants shall be punished with imprisonment for more than 1 year with labor.

Art 41, para 2. Anyone who violates the above with the purpose of making a profit shall be punished with imprisonment for life with labor or more than three years with labor and a fine of 10 million yen.

Art 41-2. Anyone who, without due authorization, possesses, transfers or receives stimulants shall be punished with imprisonment for less than 10 years with labor.

Art 41-2, para 2. Anyone who violates the above with the purpose of making a profit, shall be punished with imprisonment for more than 1 year with labor or under some circumstances of the offense, more than 1 year with labor and a fine of less than 5 million yen.

Foreigners convicted of drug crimes will be deported from Japan with a possible lifetime ban on return to the country.

Military Law

Students and employees who also are military personnel may be subject to the Uniform Code of Military Justice (UCMJ). 912a. ART. 112a. Wrongful Use, Possession, etc., of Controlled Substances states:

A. Any person subject to this chapter who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces a substance described in subsection (b) shall be punished as a court-martial may direct.

B. The substances referred to in subsection (a) are the following:

1. Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana, and any compound derivative of any such substance.
2. Any substance not specified in clause (1) that is listed on a schedule of controlled substances prescribed by the President for the purposes of this article.
3. any other substances not specified in clause (1) or contained in the list prescribed by the President under clause (2) that is listed in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).
Active Duty military personnel should seek additional information from their supervisors.

# HEALTH RISKS

<table>
<thead>
<tr>
<th>Drugs</th>
<th>Possible Side Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Syndrome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narcotics (Opium,</td>
<td>Euphoria, drowsiness, respiratory depression, constricted pupils, nausea</td>
<td>Slow and shallow breathing, clammy skin, convulsions, coma, possible death</td>
<td>Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating</td>
</tr>
<tr>
<td>Morphine, Codeine,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heroin, Hydromorphone,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meperidine, Methadone,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydrocodone, Fentanyl,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analogs, Oxycodone)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depressants (Chloral</td>
<td>Slurred speech, disorientation, drunken behavior without odor of alcohol</td>
<td>Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death</td>
<td>Anxiety, insomnia, tremors, delirium, convulsions, possible death</td>
</tr>
<tr>
<td>Hydrate, Barbiturates,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzodiazepines,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methaqualone, Gluethemide)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stimulants (Cocaine,</td>
<td>Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite</td>
<td>Agitation, increase in body temperature, hallucinations, convulsions, possible death</td>
<td>Apathy, long periods of sleep, irritability, depression, disorientation</td>
</tr>
<tr>
<td>Amphetamines,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methamphetamine,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phenmetrazine,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methylphenidate)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hallucinogens (LSD,</td>
<td>Illusions and hallucinations, poor perception of time and distance</td>
<td>Longer, more intense &quot;trip&quot; episodes, psychosis, possible death</td>
<td>Withdrawal syndrome not reported</td>
</tr>
<tr>
<td>Mescaline, Peyote,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphetamine Variants,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phencyclidine,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phencyclidine Analogs)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis (Marijuana,</td>
<td>Euphoria, relaxed inhibitions, increased appetite, disoriented behavior</td>
<td>Fatigue, paranoia, possible psychosis</td>
<td>Insomnia, hyperactivity, decreased appetite</td>
</tr>
<tr>
<td>Tetrahydrocannabinol,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hashish, Hashish Oil)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anabolic Steroids</td>
<td>Virilization, acne, testicular atrophy, gynecomastia, aggressive behavior, edema</td>
<td>Unknown</td>
<td>Possible depression</td>
</tr>
<tr>
<td>(testosterone, Nandrolone, Oxymetholone)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Abuse</td>
<td>Impairment of judgment and coordination required to drive a car safely, aggressive acts, impairments in higher mental functions severely altering ability to learn and remember information, fetal alcohol syndrome</td>
<td>Respiratory depression, possible death</td>
<td>Severe anxiety, tremors, hallucinations, and convulsions</td>
</tr>
</tbody>
</table>

# RESOURCES FOR EDUCATION, CONSULTATION, AND COUNSELING

**Online Resources**

Information about drug and alcohol abuse education, consultation, and counseling may be available from these online resources:

- National Institute on Alcohol Abuse and Alcoholism - [www.niaaa.nih.gov](http://www.niaaa.nih.gov)
- Centers for Disease Control and Prevention - [www.cdc.gov](http://www.cdc.gov)
- Substance Abuse and Mental Health Services Administration - [www.samhsa.gov](http://www.samhsa.gov)
UMUC Resources

Stateside

Within the United States, the Maryland State Employee Assistance Program (EAP) may be able to provide confidential counseling and referral assistance to employees who are experiencing personal and medical problems, including drug and alcohol abuse. The Office of the Statewide Equal Employment Opportunity Coordinator (http://www.dbm.maryland.gov/employees/Pages/EAP.aspx) provides this confidential service to help State employees who face personal matters that adversely affect their job performance.

UMUC Europe

UMUC Europe employees experiencing problems stemming from personal and medical problems including drug and alcohol abuse should contact the Human Resources Office at +49-(0)631-534-800 for information on available counseling. UMUC Europe students can receive treatment at local military or local national facilities. In addition, students may receive health education counseling which includes chemical and substance abuse.

UMUC Asia

UMUC Asia students and employees are encouraged to contact their Family Advocacy Center for counseling related to drug and/or alcohol abuse. Family Advocacy programs on military bases throughout the Pacific region provide confidential counseling to all Status of Forces Agreement (SOFA) sponsored and Active Duty military personnel who are experiencing problems stemming from all various personal and medical issues, including drug and alcohol abuse. At Yokota, you can call Family Advocacy at DSN: 225-3648. Active Duty UMUC Asia students can receive referral to local treatment programs offered through Family Advocacy through referrals from his/her supervisor.