Policy *155* Version 1 *09/28/15*

**Policy Change Cover Sheet**

|  |
| --- |
| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 155 Alcohol and Other Drugs: Unlawful and Unauthorized by Students and Employees |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
 |
| * Is this a federal or state mandate? [ ]  Yes [x]  No
* Describe change: Housekeeping change updating references to the tile of Policy 601 from Code of Student “Behavior” to Code of Student “Conduct” and updating the term behavioral probation to conduct probation
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
* Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
 |
| **Senate Coordinating Committee:** |  |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University**

**Policy Manual**

# **SECTION 155**

**ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES**

SOURCE: NDSU President

SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](http://www.gpo.gov/fdsys/pkg/USCODE-2009-title41/pdf/USCODE-2009-title41-chap10.pdf), Public law 100-690 and the [Drug-Free Schools and Communities Act Amendments of 1989](http://www.gpo.gov/fdsys/pkg/STATUTE-103/pdf/STATUTE-103-Pg1928.pdf), Public Law 101-226, and [2 CFR § 182.215](http://www.gpo.gov/fdsys/pkg/CFR-2013-title2-vol1/pdf/CFR-2013-title2-vol1-sec182-215.pdf).

North Dakota State University has a genuine caring concern for the community in which it lives and for its people. For this reason, the university is committed to maintaining an academic and social environment that is conducive to the intellectual and personal development and the safety and welfare of all members of the university community.

This policy statement has been established because NDSU:

* is committed to changing the culture that perpetuates the misuse and abuse of alcohol and other drugs;
* is concerned with promoting the well-being of our community, including visitors to campus;
* believes that the solution to alcohol and other drug misuse and abuse will require a community solution.

The misuse and abuse of alcohol and other drugs represents a major health problem in the United States today and poses a serious threat to the health and welfare of the NDSU community. In addition, alcohol and other drug abuse consequences can limit career choices and achievement. NDSU has gathered data that demonstrates that high-risk drinking among students is significantly associated with violence, memory loss, driving under the influence (DUI), sexual assault victimization, lessening of academic performance, estrangement of social relationships and property damage. Studies outside the university show that alcohol misuse can result in serious bodily injury, illness, or death. This policy applies to all NDSU students and employees, as well as visitors to campus.

1. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete State Board of Higher Education policy see [SBHE Policy 918: Alcoholic Beverages.](http://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=18&amp;SID=10)

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities).

For NDSU employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment (see section 5.2).

For NDSU students and student organizations, non-compliance with this policy could result in disciplinary action up to and including suspension, expulsion or loss of status as a registered student organization (see section 5.1).

1. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to the [NDSU Counseling Center](http://www.ndsu.edu/counseling/) or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the [Employee Assistance Program](http://www.ndsu.edu/hr/benefits/eap/). Employees may refer students in need of services to the Counseling Center at (701) 231-7671. Faculty, staff, and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs](http://www.ndsu.edu/alcoholinfo/) website.

3.1 Organizations are required, by Federal Regulation ([2 CFR § 182.215](http://www.gpo.gov/fdsys/pkg/CFR-2013-title2-vol1/pdf/CFR-2013-title2-vol1-sec182-215.pdf)), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse in the workplace. Information on the health risks of [alcohol abuse](http://www.nlm.nih.gov/medlineplus/alcoholism.html) and [drug abuse](http://www.nlm.nih.gov/medlineplus/drugabuse.html) can be found at the U.S. National Library of Medicine and the National Institute for Health. Additional information can be found at the [Alcohol and Other Drug Prevention Programs](http://www.ndsu.edu/alcoholinfo/students/health_risks_of_alcohol_and_other_drugs/) website.

1. These guidelines apply to students, employees, and campus organizations, which include, but are not limited to registered student organizations under the Congress of Student Organizations. For information concerning applications of this policy, please consult the Assistant Vice President/Dean of Student Life (for students) or the University Human Resources/Payroll Director (for employees).
	1. Students and employees and their respective campus organizations may not use organizational or public funds (including general and special funds) for the purchase of alcoholic beverages or associated permits.
	2. Sale of alcoholic beverages by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.
	3. Off-campus activity conducted by students and employees, and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcoholic beverages. The use of alcohol at any such events is expected to be lawful and low risk. Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office the [NDSU Event Risk Management Planning Notification Form](http://www.ndsu.edu/student_life/policies_and_forms/). When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the [Director of Human Resources/Payroll, SGC Building](http://www.ndsu.edu/hr/).
	4. University sponsored events that are held at locations off campus, and at which alcohol may be present, are required to adhere to this policy. In addition, if alcohol will be served at the event, the sponsor(s) of the event should ensure compliance with N.D.C.C. [§ 5-02-06(4)](http://www.legis.nd.gov/cencode/t05.html) regarding individuals under twenty-one years of age at events where alcohol is served. Sponsors need to be aware of both potential civil and criminal liability for knowingly serving alcohol to minors or obviously intoxicated persons (N.D.C.C. [§ 5-01-06.1](http://www.legis.nd.gov/cencode/t05.html), [§ 5-01-09](http://www.legis.nd.gov/cencode/t05.html)). Oversight of the distribution and consumption of alcohol is required at such events in order to manage risk. If the event is to be held on public grounds, e.g., Fargo parks, the sponsor(s) of the event is/are required to obtain the appropriate permit for the event per [N.D.C.C. § 5-02-01.1(2)](http://www.legis.nd.gov/cencode/t05.html) . See, for example, the [Park District of the City of Fargo Alcoholic Beverage Policy.](http://www.fargoparks.com/staff-documents/other/alcohol-beverage-policy/)
	5. Alcoholic beverages shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off- campus.
	6. The public display of advertising or promotion of the use of alcoholic beverages in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)
	7. Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.
	8. Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\*Student Media (Bison Information Network, the Spectrum, Thunder Radio)

*NDSU student media (as governed by the Media Advisory Board (MAB))* is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and [State Board of Higher Education Policy 507](http://www.ndus.edu/makers/procedures/sbhe/). Student media organizations are accountable to their established boards (MAB-Bison Information Network; Board of Student Publications-Spectrum, MAB-Thunder Radio) for standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

1. Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
2. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
3. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
4. Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

4.9 Unless otherwise authorized by the President of the University, the use of alcoholic beverages during all events held on the NDSU campus is strictly forbidden (including concerts, theatrical performances, athletics events, workshops, etc.).

1. When students, student organizations, or employees violate University alcohol policy they will be subject to campus resolution. Campus resolution of such acts may proceed before, during, or after any pending civil or criminal proceedings are concluded. Since the campus actions are educational and/or managerial in nature, and not criminal proceedings, such simultaneous actions do not constitute double jeopardy and differing judgments may result.

5.1 Sanctions-Students and Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions and terms and conditions see [Code of Student Conduct](https://www.ndsu.edu/fileadmin/policy/601.pdf).)

5.1.1 No action (if alleged conflicts prove to be unfounded).

* + 1. When a student has been found responsible for violating University policies, one or more of the following sanctions may be imposed:
			1. Warning (oral or written).
			2. Conduct probation (with or without supervision).
			3. Suspension.
			4. Emergency suspension.
			5. Expulsion.

5.1.3 With each sanction, other restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Terms and conditions include, but are not limited to:

a. Restitution.

b. Confiscation.

1. Restricted access to University facilities/removal from Residence Halls.
2. Loss of privileges (including status as a registered student organization).
3. Required participation in a specific program (i.e., counseling, drug and /or alcohol education).
4. Educational sanction/project (i.e., reflection paper or research).
5. Registration/Graduation Hold.

*NOTE: These sanctions and terms and conditions need not necessarily be applied in any numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity, and the behavioral history of the involved student(s) or student organization.*

Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Assistant Vice President/Dean of Student Life or designee.

*Good Samaritan:*

Students and student hosts have the responsibility to ensure the well-being of their guests wherever events occur. If an individual or guest needs emergency medical attention, students and student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Students and student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may be potentially subject to additional civil and/or criminal liability. Students and student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose. See [Code of Student Condcut](https://www.ndsu.edu/fileadmin/policy/601.pdf).

*Parental Notification*:

Parents or guardians of students under 21 may be contacted by an NDSU student affairs administrator following alcohol and/or other drug related incidents:

* If a student is found responsible for violating the University's alcohol/drug policy that results in a University referral for assessments or evaluations for chemical dependency, and/or when University judicial sanctions of Conduct Probation or greater are assigned.
* Based on situations that appear to endanger the health, safety, or life of other persons or the student.
* If an individual is involved in incidents that resulted in significant property damage.
* If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

See [Student Life](http://www.ndsu.edu/student_life/policies_and_forms/parental_notification_policy/) website for the full policy and rationale.

*Financial Aid Eligibility*:
A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Direct Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008,§ 485(a)(7)(c) and (a)(9)](http://www.gpo.gov/fdsys/pkg/PLAW-110publ315/pdf/PLAW-110publ315.pdf).

5.2 Notice and Sanctions - Employees

Individual employees who are found in violation of the University policy on alcohol and other drugs by their supervisors will be reported to the Director of Human Resources/Payroll for consultation prior to action. For potential actions see 5.2.1 and 5.2.2.

Any employee arrested under circumstances involving an alleged violation of a criminal drug or alcohol beverage related statute while in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify his or her immediate supervisor within five days of the arrest. An arrest and/or failure to report an arrest, depending on the circumstances may be grounds for actions or sanctions. The status of the criminal proceeding is a factor the supervisor may take into consideration. It is important that the supervisor seek advice from the Human Resources/Payroll Director or the Office of the Provost before taking action in arrest situations.

Any employee convicted of violating any federal, state, or local criminal drug or alcohol beverage related statute in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify the University Human Resources/Payroll Director no later than five days after such conviction. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal, state or local court. North Dakota State University is required by law to inform the federal contracting officer within 10 days of receiving notice of a conviction of violating a criminal drug statute from an employee or otherwise receiving notice of such conviction.

If an employee is convicted of violating any criminal drug or alcohol beverage related statute while in the workplace, as described above, University actions may include:

* + 1. Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
		2. Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:
1. Warning/reprimand;
2. Ineligibility to receive the next available annual salary increase;
3. Suspension without pay for up to 5 days;
4. Termination of employment; or
5. Any combination of the above sanctions.

*NOTE: These sanctions need not necessarily be applied in any sequence. Any sanction may be chosen from this list for any offense, dependent upon its severity. Referral for prosecution may also be a result of any criminal violations.*

*Work attendance while under the influence:*Unlawful consumption of alcohol beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS are prohibited. See [Policy 151 Code of Conduct](http://www.ndsu.edu/fileadmin/policy/151.pdf) (for employees).

*Local, State and Federal Laws:*In compliance with the [Drug-Free Schools and Communities Act Amendments of 1989](http://counsel.cua.edu/fedlaw/dfsca.cfm) a summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol and Other Drug Prevention Programs](http://www.ndsu.edu/alcoholinfo/federal_state_local_laws/) website.

A paper copy of this policy is available from the [Human Resources/Payroll Office](http://www.ndsu.edu/hr/) (for employees) and [Bison Connection](http://www.ndsu.edu/bisonconnection/) (for students).

HISTORY:

New March 18, 1989

Amended December 1992

Amended October 1999

Amended April 2003

Amended October 2003

Amended January 2004 (renumbered) Amended April 2010

Amended March 25, 2011

Housekeeping August 18, 2011

Housekeeping May 22, 2012

Housekeeping June 12, 2013

Housekeeping August 27, 2013

Housekeeping September 2015