

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](#), Public law 100-690 and the [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226, and 2 CFR § 182.215.
2. 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](#).

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, compliance with this policy is a term and condition of employment. For NDSU students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration.

3. 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 Ceres 212, 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 provided by the Village (1-800-627-8220) or in the Fargo area (701) 451-4900. Employees may refer students in need of services to 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](#) website.

3.1 Organizations are required, by Federal Regulation ([2 CFR § 182.215](#)), 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](#) and [drug abuse](#) can be found at the U.S. National Library of Medicine and the National Institute for Health.

a) 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 Dean of Student Life (for students), or the University Human Resources/Payroll Director (for employees).

4.1 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.

4.2 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.

4.3 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, Memorial Union 120, on the NDSU Event Risk Management Planning Notification Form. 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 (StopNGo Center).

4.4 University sponsored events that are held at locations off campus, and in 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\(4\)](#) 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](#), [§ 5-01-09](#)). 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\(2\)](#). See, for example, the [Park District of the City of Fargo Alcoholic Beverage Policy](#).

4.5 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.

4.6 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.)

4.7 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.

4.8 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 Newspaper (The Spectrum)

The Spectrum 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. It is accountable to the Board of Student Publications for its standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the Board of Student Publications may, if it chooses to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy.

- a) 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.
- b) 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.
- c) 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.
- d) 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.).

5. 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 & 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 the [Code of Student Behavior](#).)

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

5.1.2. When a student has been found responsible for violating University policies, one or more of the following sanctions may be imposed:

- a. Warning (oral or written).
- b. Behavioral probation (with or without supervision).
- c. Suspension.

- d. Emergency suspension.
- e. 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.
 - c. Restricted access to University facilities/removal from Residence Halls.
 - d. Loss of privileges (including status as a registered student organization).
 - e. Required participation in a specific program (i.e., counseling, drug and /or alcohol education).
 - f. Educational sanction/project (i.e., reflection paper or research)
 - g. 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 will be adjudicated through the Department of Residence Life or the Dean of Student Life's Office depending on the student's place of residence. Student organization behavioral actions will be adjudicated through the Memorial Union.

Parental Notification: Parents or guardians of students under 21 may be contacted without student consent by an NDSU student affairs administrator following alcohol and/or drug related incidents depending on the severity of the offense, number of offenses, threat to others or the community or life concerns of the student involved. See http://www.ndsu.edu/student_life/ 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 \(a\)\(9\)](#).

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.

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, depending on the circumstances may be grounds

for actions or sanctions. The status of the criminal proceeding is a factor the supervisor will take into consideration. It is important that the supervisor seek advice from the Human Resources/Payroll Director or the NDSU General Counsel 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:

5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;

5.2.2 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:

- a. Warning, reprimand, or probationary status;
- b. Ineligibility to receive the next available annual salary increase;
- c. Suspension without pay for up to 5 days;
- d. Termination of employment; or
- e. 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.

For more information on the health and legal risks of alcohol and drug abuse, refer to the University's brochure "Alcohol and Other Drugs: risks, policies and the law for students and employees" available from the Human Resources/Payroll Office, SGC Building.

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