



## POLICY & PROCEDURE MANUAL

### North Dakota State College of Science

NDSCS Alcohol, Tobacco, and Other Drug Policy

Source: NDSCS President

Applies to: All NDSCS Students, Employees, and Visitors

#### Statement of Purpose

NDSCS is committed to maintaining a healthy academic and social environment conducive to the academic and personal development of students and employees. To help achieve such an environment, NDSCS complies with and supports the North Dakota State Board of Higher Education (SBHE) governing alcohol use on campus (Policy 918), the [Drug Free Workplace Act of 1988](#), [Public Law 100-690](#) and the [Drug-Free Schools and Communities Act Amendments of 1989](#), and [Public Law 101-226](#) governing prevention programs and federal assistance to institutions of higher learning and amendments thereto. NDSCS is also a tobacco-free College in order to promote the health, wellness, and safety of all constituents. A summary of local, state and federal laws related to alcohol, tobacco, and other drugs can be found at the [Alcohol, Tobacco and Other Drug Prevention website](#).

Alcohol, tobacco, and other drug use represents a major health problem in the United States and poses a serious threat to the health and welfare of the NDSCS community. This threat occurs at NDSCS in the form of property damage, acts of vandalism, disciplinary problems, driving under the influence (DUI), automobile and other types of accidents, decreased career opportunities and academic performance, impaired social relationships, violence and decreased ability to cope with the stresses of life. More information on the health risks associated with [alcohol](#), [tobacco](#), and [other drug misuse](#) can be found at the [National Institutes of Health website](#), the [Center for Disease Control](#), as well as the [NDSCS Alcohol, Tobacco and Other Drug Prevention website](#).

#### Definitions

For the purpose of this policy, the following definitions apply:

- "College Property" includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSCS including, but not limited to, all buildings, green spaces, athletic fields, parking lots, campus walkways, state fleet vehicles, and personal vehicles while on College property.
- "Off-Campus College-Sponsored Events" means any event sponsored by NDSCS that does not take place on College property.
- "Off-Campus" refers to alcohol or other drug related use and activity that occurs off College property.
- "Employee" means any person employed by NDSCS in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSCS, or any person working on College property on a volunteer basis. The

term includes, but is not limited to, student employees, faculty, administrators, personnel, contractors, consultants, and vendors.

- "Student" means a person enrolled in any credit or non-credit academic course or program offered by NDSCS.
- "Alcohol" includes any product, including spirits, wine, beer or others containing one-half of one percent or more of alcohol by volume and every consumable liquid or solid containing alcohol, or any products defined as "alcoholic beverages" in the [North Dakota Century Code](#) (hereafter referred to as "alcohol").
- "Visitor" means any person on College property or participating in a College-sponsored event who is not a student or employee.
- "Private space" is defined as a student's room and/or employee residence in a College-owned residential facility.
- "Other drugs" includes all illegal (state or federal level) drugs as well as the misuse of legal drugs, such as prescription medications.
- "Paraphernalia" includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using other drugs, as well as paraphernalia that facilitates the rapid consumption of alcohol.
- "Social Media" means any web-based system or service used to communicate and share information between people through interactions with video, audio, text, or multimedia.
- "Tobacco Product" includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances, intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. The term "Tobacco Product" includes E-cigarettes and other electronic smoking devices, pipes and rolling papers, but does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
- "E-cigarette" means any electronic vaping device, such as one composed of a heating element, battery or electronic circuit, or both, which provides an aerosol of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vape device, vape product, or under any other product name, or descriptor. "E-cigarette" also includes any component part of such a product whether or not sold separately. "E-cigarette" does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.
- "Tobacco Use" means the use of any Tobacco Product in any form. Tobacco Use includes, but is not limited to, smoking, heating, inhaling, chewing, absorbing, dissolving or ingesting any Tobacco Product.
- "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette.

#### 1. **Prohibited Conduct**

NDSCS, in accordance with [North Dakota State Board of Higher Education Policy 918](#), prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products, as well as any illicit drugs or drug paraphernalia on or off

College property, in College buildings, any public College area, in College housing, College vehicles, or at any College affiliated event held on or off-campus, which are sponsored by students, employees and College organizations.

NDSCS prohibits the use of all tobacco products on College property including off-campus, College-sponsored events/activities. This prohibition includes indoors, outdoors, College vehicles, and/or personal vehicles while on College property. NDSCS prohibits the use and possession of all e-cigarette devices in College-owned residential buildings. This policy applies to all employees, students, and visitors. This policy will be reflected in all agreements/contracts for use of NDSCS grounds or property by individuals and/or companies. Any use of illicit and/or misuse of prescription medications on or off College property or at College sponsored events is strictly prohibited. This includes the use of marijuana, including recreational and medicinal uses, regardless of state law.

## 2. **Exceptions**

Exceptions to this policy include, but are not limited to:

- c. If the NDSCS President gives written permission to have alcohol on campus prior to a specific event.
- d. The use of tobacco products in institutional research efforts regarding tobacco or nicotine.

Exceptions must be approved in advance by the NDSCS President or designee. This includes ceremonial and spiritual use requests. For specifics on exceptions, see [SBHE Policy 918: Alcoholic Beverages](#).

## 3. **Sexual Assault Amnesty**

In order to encourage reports of conduct that is prohibited under the [NDSCS Sexual Misconduct and Title IX Compliance Policy](#), students who experience sexual misconduct while under the influence of alcohol or other drugs, may not be subject to the Student Conduct process for the alcohol or other drug offense.

## 4. **College-sponsored and Student Organization events**

Student organizations found in violation of city or state laws and college policy involving the use or possession of alcohol, tobacco, and other drugs are also subject to disciplinary action. In general, disciplinary penalties for student organizations are the same as those listed for individual students. However, it is possible that an offending student organization may be denied recognition or affiliation with the College as part of the disciplinary action. Employee advisors are expected to conduct themselves in accordance with all College policies when involved in any capacity (on and off-campus) with student organizations, field trips, and other related academic activities. For assistance when planning off-campus events or for questions related to responsibilities and/or expectations, students can consult with the Assistant Director of Student Life and employees can consult with the Executive Director of Human Resources.

- a. Students and employees and their respective college organizations may not use organizational or public funds for the purchase of alcohol, tobacco, and other drugs.

- b. Sale of alcohol, tobacco and other drugs by students and student organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, selling cups, selling drink tickets, etc.
- e. Off-College property activity conducted by students and employees, and their respective College organizations shall not encourage excessive and/or rapid consumption of alcohol. For further information about low-risk alcohol consumption, see the [NDSCS Alcohol and Other Drug Prevention website](#).
- f. College-sponsored events/activities that are held at locations off-College property, and at which alcohol is legally sold and may be present, are required to adhere to this policy.
- g. Alcohol, tobacco, and other drugs shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective college organizations, on or off College property.

#### 5. **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 Stafford 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 the student successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(c\) and \(a\)\(9\)](#).

#### 6. **Advertising and Sponsorship**

NDSCS prohibits alcohol, tobacco and other drug advertising or sponsorship on College property, at off-campus, College-sponsored events, and in all publications controlled by NDSCS. NDSCS will not accept any form of contribution including, but not limited to, financial support, gifts or in-kind support from the alcohol, tobacco, or other drug industry for the sponsorship or promotion of any event or activity affiliated in any manner with NDSCS or located on College property.

- a. Public displays of advertising or promotion of the use of alcoholic beverages or tobacco products in college buildings or any other public college are including College owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, large balloon blow-ups, etc.

#### 7. **Sales**

The sale or distribution of alcohol, tobacco, and other drug products on College property or at off-campus, College-sponsored events is prohibited.

#### 8. **Distribution**

The NDSCS Alcohol, Tobacco and Other Drug Policy will be distributed to students at the beginning of each semester. NDSCS employees will receive the policy in the annual notification of policies through the Human Resources Office. The policy is also available at the [NDSCS Alcohol, Tobacco and Other Drugs Prevention website](#). Copies of the NDSCS Alcohol,

Tobacco and Other Drug Policy can be found at the Student Health and Counseling Services office and Residential Life Office. The College shall post signs indicating that the property is tobacco-free in all locations and in the manner identified in [NDCC 23-12-10.4.1](#).

#### 9. **Treatment Resources**

NDSCS recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are cessation and assistance programs available to help individuals experiencing problems. NDSCS personnel may be able to assist with the referral of students to agencies for treatment/rehabilitation. For students, such referrals shall be coordinated through [NDSCS Student Health and Counseling Services](#) (701-671-2286) and for employees, NDSCS Human Resources at (701-671-2903). For additional information, students and employees who are seeking such services for themselves or others may contact NDSCS Student Health and Counseling and/or Human Resources.

- a. Organizations are required, 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 other drug abuse misuse 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 Institutes for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs Website.
- b. NDSCS Employee Assistance Program (EAP) is available to benefited employees of the College. The EAP is facilitated by the Village Business Institute and can be accessed by contacting NDSCS Human Resources at 701-671-2903 or through the Village Business Institute portal at: <https://www.thevillagefamily.org/request-appointment>.

#### 10. **Social Media**

Any violation of the [Guide to Student Rights and Responsibilities](#) discovered through the use of social media may result in disciplinary action.

#### 11. **Off-Campus Alcohol and Other Drug Use**

As members of the College community, all students are expected to behave responsibly when off-campus. Students violating civil or criminal law and/or the NDSCS Student Guide to Rights and Responsibilities may be subject to College conduct procedures. Students should be aware that unlawful use, possession, distribution, manufacture or distribution, manufacture or sale of a controlled substance and/or underage use of alcohol cited by local law enforcement may be reported to the College. If reported, the College will take appropriate disciplinary action under this policy.

#### 12. **Alcohol, tobacco, and other drug policy and sanctions for violations in a classroom/shop/lab**

When in the view of an instructor, a student comes to class chemically impaired, is actively using a tobacco product or in possession of an e-cigarette, the instructor shall immediately refer the student to the Executive Director of Student and Residential Life or other appropriate College authority.

### 13. Parental Notification

Parents or guardians of students under the age of 21 may be contacted by an NDSCS administrator following alcohol, tobacco and/or other drug related policy violations.

- a. If a student is found responsible for violating the NDSCS Alcohol and Other Drug Policy
- b. Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- c. If an individual is involved in incidents that resulted in significant property damage.
- d. 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.

**FERPA NOTE:** Congress amended the Family Educational Rights and Privacy Act (FERPA) in late 1998 to permit colleges and universities to notify the parents or guardians of students under the age of 21 about violations of campus alcohol and/or drug policies (See: § 99.31(a) 15). This exception to FERPA was enacted because of the detrimental health and safety consequences associated with underage drinking. Additional information regarding FERPA provisions for notifying parents of alcohol and other drug violations can be found at [www2.ed.gov/policy/gen/guid/fpco/fag.html#g8](http://www2.ed.gov/policy/gen/guid/fpco/fag.html#g8).

### 14. Compliance and Enforcement

NDSCS employees, students, and visitors are responsible for complying with this policy. Individuals who violate this policy may be subject to student or employee disciplinary action and provided cessation information.

- a. Employees who become aware of alcohol, tobacco, and/or other drug use by another employee or student on College property or at off-campus, College-sponsored events can report the details of the incident to the NDSCS concerns page at [ndscs.edu/concern](http://ndscs.edu/concern).
- b. Repeated student violations will be reported to the Executive Director of Student and Residential Life.
- c. Employee violations will be reported to the employee's supervisor. Repeated violations will result in disciplinary action.
- d. Visitors who persist in noncompliance will be asked to leave College property.

### 15. Sanctions: Students

Students found in violation of the NDSCS Alcohol, Tobacco and Other Drug Policy may be subject to one or more of the sanctions below, dependent upon severity of the offense and the existence or absence of prior violations:

- a. Verbal and or written warning/developmental conduct conversation;
- b. College service;
- c. Requirement to attend educational sessions related to alcohol, tobacco, and/or other drugs, or counseling sessions;
- d. Restitution and/or fines;
- e. Unsupervised or Supervised Conduct Probation - an indication that further violations may result in suspension;
- f. Dismissal from student leadership positions and/or organizations;
- g. Exclusion from college-owned housing;

- h. Exclusion from all, or portions, of campus;
- i. Suspension. Temporary withdrawal or privileges of enrollment from NDSCS for a specified period of time;
- h. Indefinite suspension. Withdrawal from NDSCS until specific actions are taken prior to consideration for re-entry; or
- i. Expulsion. Termination of student registration and status for an indefinite period of time; Permission of the president shall be required for readmission;
- j. Registration/Transcript/Graduation Hold;
- k. Loss of privileges or other educational sanctions (including status as a registered student organization);

**Note:** Individual student behavioral actions and or student organization behavioral actions will be adjudicated through the Executive Director of Student and Residential Life or designee according to College policy.

## 16. Employees

For NDSCS employees, compliance with this policy is a term and condition of employment. Employee use and misuse of alcohol and other drugs represents a substantial risk to public and co-worker safety, and will not be tolerated. Employees must recognize their responsibility to seek and/or complete appropriate treatment. As part of their benefit package, employees may access services through the [Employee Assistance Program](#). Employees may refer students in need of services to the office of [Student Health and Counseling](#) at 701-671-2286.

Individual employees who are found in violation of the College policy on alcohol and other drugs by their supervisors will be held accountable for their actions with appropriate disciplinary action up to and including termination. When an employee is convicted of violating a criminal drug statute in the workplace, on or off-campus, the Executive Director of Human Resources must be notified no later than five days after such conviction. NDSCS is required by law to inform the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such conviction.

## 17. Sanctions: Employees

For NDSCS employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment. If an employee is convicted under criminal drug statute for a violation occurring in the workplace, on or off-campus, actions may include:

- a. Requiring the employee to participate in a drug assistance or rehabilitation program approved by NDSCS;
- b. Disciplinary action up to and including termination of employment. Disciplinary action may include one or more of the following:
  - i. Warning, reprimand, or probationary status;
  - ii. Suspension;
  - iii. Termination of employment; or
  - iv. Any combination of the above sanctions.

**Note:** These penalties need not necessarily be applied in numerical sequence. Any penalty may be chosen from this list for any offense.

- c. **Work attendance while under the influence.** Consumption of alcohol or other drugs, being at work while under the influence of alcohol or other drugs, misuse of prescriptions medications, 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. Individual employee disciplinary actions will be adjudicated through the Human Resources Executive Director according to College Policy.

**18. Appeals: Students and Employees**

A student may appeal sanctions through the Appeal Procedure outlined in the [Guide to Student Rights and Responsibilities](#). Individual employee disciplinary actions will be adjudicated and appealed through NDUS policy with guidance from the Human Resources Executive Director.

**19. Prevention and Education**

The health hazards of alcohol, tobacco, and other drug use has been well established in research. NDSCS is committed to promoting healthier educational, work, and living environments, and recognizes the serious health risks associated with the use of alcohol, tobacco products, and other drugs both to users and non-users alike, and believes that the use of alcohol, tobacco, and other drugs are detrimental to the health and safety of students, employees and campus visitors. NDSCS is committed to providing prevention and education for students and employees related to:

- a. The risk associated with alcohol, tobacco, and other drug use and misuse;
- b. The availability of alcohol, tobacco, and other drug counseling, rehabilitation, and employee assistance programs; and
- c. The legal and College consequences imposed on employees and students for alcohol and other drug use and misuse violations.

For further information on pertinent College educational opportunities, contact Bethany Mauch, NDSCS Alcohol, Tobacco, and Other Drugs Prevention Specialist at (701) 671-2124 or Human Resources at 701-671-2903, or email Human Resources at [ndscs.hr@ndscs.edu](mailto:ndscs.hr@ndscs.edu).

Where to obtain additional information:

**Students:** Contact the Alcohol, Tobacco or Other Drugs Specialist at 701-671-2124 or the Vice President for Student Affairs/Title IX Coordinator at 701-671-2627

**Employees:** Contact your supervisor and/or call the Human Resources office at 701-671-2903 (e-mail: [ndscs.hr@ndscs.edu](mailto:ndscs.hr@ndscs.edu))

Reviewed 08/06/2019

Approved by:

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President's Signature

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Date