

Drug Free Campus Policy

Minot State University recognizes the serious problems created by the use and abuse of alcohol and other drugs. In response to this awareness, Minot State University is committed to:

- establish and enforce clear campus policies regarding the use of alcohol and other drugs
- educate members of the campus community for the purpose of preventing alcohol and other drug abuse
- create a campus environment that promotes the individual's responsibility to himself/herself and to the campus community
- provide resources through counseling and referral services for students who experience alcohol and/or drug problems.

Students concerned about their own alcohol and drug use or about that of others are encouraged to contact the MSU Student Affairs Office, the University Student Health Center, or the MSU Counseling Center.

I. STANDARDS OF CONDUCT

MSU is a tobacco-free campus prohibiting all tobacco use on campus including E-cigarettes, smoking, and chewing tobacco in university owned or operated buildings, on all campus property and grounds, and in university owned, leased, or operated vehicles.

The university prohibits the use, possession and/or sale of alcoholic beverages in classrooms, laboratories, bathrooms, offices, residence halls, athletic facilities, university vehicles, other campus building areas, public campus areas or in outdoor campus areas.

1. An alcoholic beverage is any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcoholic content of more than 1/2 of 1% by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors, and any brewed fermented, or distilled liquor fit for use for beverage purposes or any mixture of the same, and fruit juices.
2. University groups and recognized organizations may not use their funds for the purchase of alcoholic beverages.
3. On-campus parties at which alcoholic beverages are consumed are prohibited.
4. Sale of alcoholic beverages by university groups or recognized student 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 tickets, etc.)
5. Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities sponsored by university groups or organizations.

6. Alcohol/drugs are not to be represented in any academic or instructional setting or in any campus publication in a manner which would:
 - a. encourage any form of alcohol abuse or place emphasis on quantity and frequency of use.
 - b. portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.
 - c. associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of specialized equipment, motor vehicles, or athletic performance.
7. The use of alcoholic beverages during all public events held on the MSU campus is strictly forbidden except as provided by this subsection.
 - a. This policy does not apply to homes furnished to institution officials, family housing, married student housing, faculty housing or university apartment housing when all leaseholders are over the age of 21.
 - b. Alcoholic beverages may be permitted, subject to applicable state and local laws and ordinances, at events in facilities or upon land owned the institution pursuant to a permit signed by the institution's chief executive or designee. The permit must describe the nature of the event and the date(s), time(s) and place where consumption of alcoholic beverages is permitted. The permit may be for a single event or for events occurring periodically at the designated place during a period of not more than one year.
8. Marijuana Use: Use or possession of marijuana, including medical marijuana used or possessed under Chapter 19-24 of the North Dakota Century Code is strictly prohibited on campus. Any such use or possession is a violation of the Student Conduct Policy.

The use, consumption, and possessing of any narcotic, dangerous drug, and/or controlled substance by any student or employee of the university for which said student or employee does not have a legal license or valid prescription is strictly prohibited. The unlicensed distribution or sale of any narcotic, dangerous drug, or controlled substance by any student or employee of the university is strictly prohibited. When such activity occurs on campus, the university shall initiate appropriate measures, which may include disciplinary action.

When such activity occurs off the premises of the campus, the university nevertheless may consider initiating disciplinary action if the university determines that the activity has a substantial adverse effect upon the university or upon individuals of the university community. Violators will be subject to penalties, which may include separation from the university.

II. THE LAW

State and Federal law will be regarded as the principal bodies of rules governing the use of alcohol/drugs for MSU students. Each person will be held responsible for his/her own behavior. While laws vary from town to town and state to state, some regulations govern all American citizens. You should be aware of all federal, and local laws, as well as MSU alcohol policy.

ALCOHOL

1. The state of North Dakota requires that individuals be at least 21 years of age to buy, possess, and consume alcoholic beverages.
2. It is illegal to give or sell alcohol to an individual under the age of 21.
3. It is illegal to have an open container of alcohol in any vehicle. (Minot Code of Ordinances also prohibits possession of an open container or consumption of alcoholic beverages upon any street, alley, or other public way or private property, which is generally open to the public, except as allowed by special permit issued by the city council)
4. It is illegal to serve alcohol to an intoxicated person.
5. It is illegal to sell alcohol of any kind without a license or permit.
6. Organizations are not immune from prosecution for a legal violation. The officers of that group are usually the parties cited, but every group member is liable.
7. Driving while intoxicated (under the influence OR with .08% or higher blood alcohol content) is a criminal offense.
8. Being intoxicated is not a legal defense for any charge, including assault, rape, vandalism, slander, manslaughter or accident.
9. If a person is involved in a drinking/driving crash after leaving a party, the victim(s) of the crash may sue both the person at fault and those who provided the alcohol. If any intoxicated person causes harm to another person or property, the victim may sue the intoxicated person, and anyone who served the intoxicant such as hosts of private parties, organizations/businesses and their employees for damages in civil court.

It is also illegal by state law and municipal ordinance to be in an alcohol establishment under the age of 21, even if not in possession or while consuming alcoholic beverages with the following exceptions. If the person is 18 or older, they may be on the premises if they are a musician, disk jockey, entertainer, or performing duties related to the above exceptions. These people must be under the supervision of someone 21 years of age or older. Those 18 years or older may still serve (but not dispense) and collect money for alcoholic beverages if they are working in a restaurant that serves alcoholic beverages.

DUI (Driving Under the Influence)

1. What Happens to Your Operators License if You're Stopped? Under the current law, if you're arrested for DUI, and **refuse chemical testing**, the arresting officer will take your operator's license ON THE SPOT! The ND Department of Transportation (ND DOT) WILL revoke your license for a minimum of one year to a maximum of three years. If you are not licensed in North Dakota, the ND DOT will revoke your North Dakota driving privileges for the same time period and notify your license's issuing state/province where you may be subject to additional revocation/suspension there.

If your BAC is between .08% and .17% your license (or North Dakota driving privileges if you are licensed elsewhere) will be suspended under the following guidelines:

- a. First DUI: 91 days suspension
- b. Second DUI in seven years: 365 days suspension

c. Third DUI in seven years: two years suspension

If your BAC is .18% or higher, your license (or North Dakota driving privileges if you are licensed elsewhere) will be suspended under the following guidelines:

a. First DUI: 180 days suspension

b. Second in seven years: two years suspension

c. Third in seven years: three years suspension

If you refuse to take a BAC test or a preliminary breath test (PBT), your license will be revoked for one to three years, depending on your record of past DUI offenses. A work driving permit can only be issued to first offenders who have served at least 30 days of the 91 days suspension.

Refusal to take the preliminary breath test will no longer be a criminal offense. The driver will still be subject to administrative consequences (license/driving privilege revocation), but not criminal consequences. Refusal to take the CHEMICAL BAC test (post arrest testing, or the "BAC test" you say above) will still be a criminal offense.

Work permits cannot be issued to repeat offenders or to those who have refused to take a BAC or PBT test. If you drive while your license is suspended, you will serve four consecutive days in jail and be fined up to \$1,500. The cost of reinstating your ND license or ND driving privileges after a DUI suspension is \$100 (in addition to any fees from other states/provinces)

2. What Happens If You're Convicted?

In addition to losing your driver's license, you also face mandatory minimum fines and/or jail sentences:

a. First conviction: \$500 fine, if your BAC is between .08% and .17%. If your BAC is .18% or higher: \$750 PLUS two days imprisonment.

b. Second conviction within seven years: \$1,500 fine and 10 days in jail and participation in the 24/7 sobriety program for a period of 12 months under mandatory probation.

c. Third conviction within five years: \$2,000 fine and 120 days in jail. SUPERVISED PROBATION for one year and 24/7 sobriety program participation.

d. Fourth or subsequent conviction within 15 years: \$2,000 fine, one year and one day in prison, and two years' supervised probation and 24/7 sobriety program participation.

All convicted offenders are also required to undergo an alcohol addiction evaluation and provide proof of evaluation and of completion of recommended treatment before his or her driver's license can be reinstated. DUI convictions, refusals to take DUI tests, and driving with a BAC of .08% or more in another state apply in North Dakota.

3. What Happens If You Cause Death or Serious Injury?

If you cause another person's death while DUI, you will face a mandatory MINIMUM three years in prison (ANY previous DUI related convictions the minimum is ten years in prison). The maximum sentence under this statute is 20 years.

If you cause another person to suffer substantial or serious bodily injury while DUI, you will face a mandatory MINIMUM of one year in prison (ANY previous DUI related convictions, the minimum is two years). The maximum sentence under this statute is five years.

4. What Happens to Your Insurance?

If you are convicted of DUI, if you refuse to take a BAC or PBT test, or if you are driving with a BAC of .08% or more, your annual car insurance rates could double or even triple.

5. Driving while under the influence of alcohol while being accompanied by a minor will push the offense to a Class A misdemeanor.

DRUGS

Schedule I: Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), Other Hallucinogens, Methaqualone (Quaaludes), PCP, and MDA.

Schedule II: Morphine, Demerol, Codeine, Percodan, Fentanyl, Dilaudid, Seconal, Nembutal, Cocaine, Amphetamines, and other opium and opium extracts and narcotics

Schedule III: Certain barbiturates such as amobarbital and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #3, and codeine-based cough suppressants such as Tussionex and Hycomine

Schedule IV: Barbiturates, narcotics and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Pacidyl, Tranzone, Serax, Ionamin (yellow jackets)

Schedule V: Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium and atropine, such as terpine Hydrate with codeine, Robitussin AC

To Possess (other than marijuana):

Maximum penalty: Class A misdemeanor, for which a maximum penalty 360 days imprisonment, a fine of \$3,000, or both, may be imposed, for a first offense. A class C felony for a second or subsequent offense with a maximum penalty of five years in prison or \$10,000 fine or both may be imposed.

To Manufacture, Sell, Deliver (or have intent):

Maximum penalty: Schedule I, II, or III: Class B felony, for which a maximum penalty of 10 years imprisonment, a fine of \$20,000, or both, may be imposed for Schedule I, II, or III narcotics (including marijuana).

Schedule IV: Class C felony, for which a maximum penalty of five years imprisonment, a fine of \$10,000 or both, may be imposed.

Schedule V: Class A misdemeanor, for which a maximum penalty of 360 days in jail, a fine of \$3,000 or both.

To Possess Marijuana: Small amounts of marijuana where there is no evidence of intent to distribute to another person is punishable as a Criminal Infraction

Maximum penalty: Criminal Infraction is punishable by a maximum of a \$1,000 fine.

To Manufacture, Sell, or Deliver Marijuana (or have intent): Maximum penalty: Class B felony, for which a maximum penalty of 10 years imprisonment, a fine of \$20,000, or both, may be imposed.

NOTE: Increased penalties for aggravating factors in many felony drug offenses include, but are not limited to, being within 300 feet of a school between 6:00 am and 10:00 pm while school is in session (also note that university campuses and daycare centers have been removed from this description) and being armed with a firearm during the commission of the offense. Generally speaking, this causes offenses to be elevated to the next higher classification. For example, a class B felony would elevate to a class A felony where they maximum penalty would become 20 years imprisonment.

Drug Paraphernalia: All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing to the human body a controlled substance.

Possession of drug paraphernalia to manufacture, produce, etc. controlled substances (other than marijuana) is a class C Felony, with a maximum sentence of 5 years in prison, a \$10,000 fine or both may be imposed. Possession of drug paraphernalia to manufacture, produce, etc. marijuana is a class A misdemeanor, with a maximum penalty of a year in jail or a fine of \$3000, or both may be imposed.

Possession of drug paraphernalia that can be used for ingestion of a controlled substance (other than marijuana) is a class A misdemeanor for the first offense, a class C felony for subsequent offenses. Possession of marijuana paraphernalia for ingestion is a Criminal Infraction.

Ingestion of a controlled substance is a class A misdemeanor unless the substance is marijuana, then it is a class B misdemeanor.

North Dakota Good Samaritan Law:

The Good Samaritan Law was passed to encourage friends, family members, and bystanders to call 911 in the event of an overdose. The Law provides protection from prosecution for ingestion or possession of a substance or possession of drug paraphernalia for a maximum of three people, including the person overdosing. In order to be immune from prosecution, you need to:

- Call 911
- Remain onsite until assistance arrives
- Cooperate with law enforcement and emergency medical service personnel ▪

[North Dakota Century Code 19-03.1-23.4](#)

Students who call for, seek, or require emergency assistance for an alcohol- or other drug-related emergency may not be subject to mandatory alcohol and other drug sanctions under the Code of Student Life.

III. HEALTH RISKS

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 MSU community. This threat occurs at MSU 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 <https://www.nih.gov/>, the Center for Disease Control <https://www.cdc.gov/> as well as the DEA [Resources | DEA.gov](#).

IV. WHERE TO TURN FOR HELP

Minot State University offers counseling services which can be used for referrals to appropriate support agencies for individuals seeking assistance in drug and alcohol evaluation, intervention, treatment, and aftercare. Students may initiate help for themselves or others by contacting the Student Health and Counseling Center at 701-858-3371 and for employees MSU Human Resources at 701-858-4610

Other agencies in addition to those listed below may be found in the yellow pages of the telephone book under “Alcoholism Information and Treatment” and “Drug Abuse Information and Treatment.”

Alcoholics Anonymous—515 Club
838-2740
515 5th Ave NW
Minot, ND 58701

Alcoholics Anonymous—700 Club
839-6091
700 16th Ave SW
Minot, ND 58701

Alcohol Education/Alcoholic Counseling
North Central Human Service Center
857-8500
1015 S. Broadway, Suite 18
Minot, ND 58701

Eaton and Associates
839-0474
1705 4th Ave NW
Minot, ND 58703

Minot AFB Mental Health Clinic
723-5527
10 Missile Ave.
Minot Air Force Base, ND 58705-5000

Psychological Services
852-9113
600 22nd Ave NW
Minot, ND 58701

Trinity Mental Health Services
857-5998
1900 8th Ave SE
Minot, ND 58701

Village Family Services
852-3328
20 1st St SW
Minot ND 58701

V. VIOLATION OUTCOMES FOR STUDENTS

At Minot State University, we teach, we think, we discern, and we apply what we have learned. Therefore, outcomes for student code violations are viewed as opportunities to develop more acceptable and better adapted patterns of behavior. The University will assist students who have violated the Code of Student Life in understanding the impact of their actions on others or themselves. Outcomes will be restorative in nature for first-time and non-violent offenses. Subsequent offenses or those that affect the safety of others or the student will result in intervention-based outcomes.

Learning Objectives

Through the process students will be able to:

1. Articulate how their decisions contributed to a violation of the Code of Student Life.
2. Articulate how their behavior impacted others within and beyond the campus community.
3. Explain specific changes for future behavior. This may include but not be limited to Minot State's Co-curricular learning outcomes of leadership, wellness, self-awareness, and career and professional development.

Possible Meeting Outcomes

An outcome is a consequence incurred by the student due to the behavior that violated University policies. Outcomes may include, but are not limited to:

- Written warning- is a discussion of misconduct which becomes a matter of at least temporary record with the University.
- Probation- indicates that continued enrollment is conditional upon good behavior during a specific period. It may include specific restriction of activity.
- Community Service
- Research Paper
- Reflection Paper
- Educational Program
- Attendance and Participation in Campus Programs
- Online alcohol/drug course
- Guardian notification (for students under 21 years of age)
- Restitution to the University for cleaning, replacing, or restoring a specific area or thing when loss or damage is incurred as a result of a student's actions.
- Restitution/ Disciplinary Fine- is the imposition of monetary penalty. Besides its use as a disciplinary sanction, it may also be used to compensate the University for a monetary loss resulting from a student's misconduct.
- Restriction/Removal of Privileges for a specified time frame
- Eviction from Campus Housing or an Administrative Move (students removed from or moved within campus housing as a result of violations will be held to the standard cancellation charge or change of rate)
- Suspension- is a temporary withdrawal of the privilege of enrolling in the University for a specific period. Suspension may be deferred to allow completion of an academic term, after which it is automatically invoked unless a provision for review was made at the time of the original decision. During a period of deferment, the

suspension will be enacted immediately by administrative staff decision if additional misconduct occurs.

- Expulsion- is the withdrawal of enrollment privileges with no promise of reinstatement at any time and no opportunity for review for at least one year. Expulsion is the only action reflected in the official transcript. In each case, the words “may not register” appear without explanation. Reinstatement after suspension follows an interview with a staff member in the Student Affairs Office, who will inform the Registrar that the student may enroll again. Reinstatement after expulsion depends upon a recommendation to the President from both the Student Affairs Office and the academic college.
- Withholding Transcripts and Grades- is a refusal by the University to provide transcripts and grades to the student, to other institutions, to employers and to other agencies.

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