



Minot State University

Policy Manual

Substance Abuse

Source: SBHE 615, 918
NDUS 615

Purpose

The University recognizes that the use of illegal drugs and abuse of alcohol and prescription drugs is a serious problem within our society. Drug and alcohol abuse affects the health, safety, and well-being of all employees and students at MSU. In efforts to combat the negative consequences associated with drug and alcohol abuse, MSU complies with all state and federal laws regarding drug and alcohol policies (North Dakota State Board of 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).

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:

1. establish and enforce clear campus policies regarding the use of alcohol and other drugs
2. educate members of the campus community for the purpose of preventing alcohol and other drug abuse
3. create a campus environment that promotes the individual's responsibility to himself/herself and to the campus community
4. 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 or the University Student Health Center.

Policy

The University prohibits the use of alcohol or illegal drugs, as well as reporting for work or engaging in work or other University-related activities under the influence of alcohol or illegal drugs.

Standards of Conduct

The university prohibits the use, possession and/or sale of alcoholic beverages in classrooms, laboratories, bathrooms, offices, residence halls, university housing units, 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 that 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 off-campus guest housing.
 - 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.

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.

Behaviors that suggest alcohol/drug abuse include (but are not limited to) the following:

1. Repeated accidents (on or off campus)
2. Repeated illness absences
3. Chronic lateness or early departures
4. Significantly diminished task performance (with no other explanation)
5. Odor of alcohol, slurred speech, unsteady gait, disorientation, paranoia, hallucinations, and other physical signs of impaired function, not caused by a known medical condition.

A faculty or staff member who suspects that a colleague or co-worker is under the influence of alcohol or illegal drugs should contact his/her department chair or the human resources director immediately.

A faculty or staff member who suspects that a supervisor or department head is under the influence of alcohol or other illegal drugs should contact the next level of supervision or administration.

If a department chair, supervisor, or administrator has been contacted, or suspects that an individual is under the influence of drugs or alcohol, he/she should contact the Director of human resources, or the next level of administration for assistance.

The individual will be given an opportunity to discuss the situation. A person suspected or found to be under the influence of alcohol or other drugs and/or who may be incapable of performing his/her job will be sent home. The individual will be taken home or be sent home in a taxi. Anyone who insists on driving while suspected of being under the influence of alcohol or other drugs will be reported to authorities.

If a person admits to being under the influence of alcohol or illegal drugs, drug or alcohol testing of the individual may not be necessary. In these cases, a mandatory referral will be made for evaluation by a licensed addiction counselor on or off campus.

If it is determined that testing is necessary because of a critical incident in the workplace or because of safety concerns for the individual, colleagues, or co-workers, blood and/or urine testing procedures will be used. The University will pay the cost of all required drug or alcohol testing. Drug or alcohol testing may be conducted at the Student Health Service or other appropriate health agency with test samples sent to a certified laboratory for analysis. Random drug or alcohol testing is not explicit or implicit in this policy.

An individual suspected, or found to be under the influence of alcohol and/or illegal drugs, will be referred for evaluation to a licensed addiction counselor, and, if indicated, will be expected to participate in an appropriate treatment program for rehabilitation. If an individual refuses evaluation, refuses to participate in the appropriate treatment program, if it is indicated, or does not successfully complete the program, he/she will be subject to disciplinary actions up to and including dismissal.

If the individual is able to continue working while involved in the treatment program, his/her supervisor, department head, or department chair will determine if the individual is capable of performing regular job duties.

If it is decided that the person should not work at his/her regular job, a temporary alternate job may be offered if one is available for which the person is qualified, or he/she will be placed on leave of absence with or without pay based on the appropriate leave of absence policy.

Conviction of Criminal Drug Statute Violation

Any faculty or staff member convicted of violating a criminal drug statute in this workplace must inform his/her department chair or the supervisor of such conviction (including pleas of guilty or nolo contendere) within five working days of the conviction occurring. Failure to inform will subject the individual to disciplinary action, up to and including dismissal for the first offense. Under the Drug-Free Workplace Act of 1988, the University will notify the federal contracting officer within 10 days of receiving such notice from a faculty or staff member on a federal grant, contract, or otherwise receiving notice of such a conviction.

The University reserves the right to offer individuals convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug assistance program as an alternative to discipline. If such a program is offered, and accepted by the faculty or staff member, then he/she must satisfactorily participate in the program as a condition of continued employment.

Aftercare

Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program. As a part of the aftercare program, monthly reports from the licensed drug/alcohol treatment program will be submitted to the supervisor or department chair on the individual's program while he/she is in the program. Reports of relapses and/or missed aftercare meetings will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program. Non-compliance in the above-stated elements of the aftercare program will result in disciplinary actions up to and including dismissal.

Prescription Drugs

Although prescription drugs and over the counter drugs are legal, their use may be unsafe under certain circumstances. A person who is using a drug that impairs mental or physical functioning should inform his/her supervisor or department chair. The supervisor will be responsible for evaluating the individual's ability to work. If necessary, the faculty or staff member may be requested to obtain a statement from the prescribing physician, authorizing the individual to work. If it is determined that it would be unsafe for an individual to work in the regular work setting, an alternative, temporary job may be offered if one is available for which the person qualified. If no suitable job is available, the impaired person will be sent home.

Sale, Transfer, Possession of Illegal Drugs

Possession of illegal drugs (except possession of current prescription drugs) is prohibited and anyone in violation shall be subject to discipline. Any person who sells, manufactures, distributes any illegal drugs on University property will be reported to the authorities and will be subject to dismissal.

Legal Sanctions

Under the North Dakota Century Code, persons in the workplace suspected of violating either alcohol or drug statutes may be referred to civil authorities for prosecution.

Conviction of either state or federal alcohol or drug statutes will subject an individual (faculty or staff) to disciplinary action including, but not limited to, a required rehabilitation program, suspension, demotion, or dismissal.

The classification of offense and the sanctions for violating specific alcohol or drug statutes are as follows: Section 12.1-32-01. Classification of Offenses-Penalties. Offenses are divided into seven classes that are denominated and subject to maximum penalties, as follows:

1. Class AA felony: up to life imprisonment.
2. Class A felony: up to 20 years in prison, \$10,000 fine, or both.
3. Class B felony: up to 10 years in prison, \$10,000 fine, or both.
4. Class C felony: up to 5 years in prison, \$5,000 fine, or both.
5. Class A misdemeanor: up to one year in prison, \$1,000 fine, or both.
6. Class B misdemeanor: up to 30 days in prison, \$500 fine, or both.
7. Infraction: up to a \$500 fine.

Alcohol

Section 5-01-09. Alcoholic Beverages: Delivery to certain persons unlawful. Penalty for knowingly delivering alcoholic beverages to a person under twenty-one years of age (except as allowed under section 5-02-06), an obviously intoxicated person, a habitual drunkard, or an incompetent is a class A misdemeanor. Persons under the influence of intoxicating liquor or other drugs or substances are not to operate a vehicle. Conviction for a first or second offense is a Class B misdemeanor; subsequent offenses could possibly be classified Class A misdemeanors or Class C felonies. Section 39-08-18. Open bottle law conviction carries a \$50 fine. Section 48-05-06. Alcoholic beverages and drugs in charitable institutions prohibited. Penalty for taking, sending, or introducing any alcoholic beverage or controlled substance into any building or upon the premises of any institution, except as stated in NDCC 48-05-06, is guilty of a class A misdemeanor.

Drugs

Chapter 19-03.1. Uniform Controlled Substance Act. Conviction under the Uniform Controlled Substance Act carries penalties that range from 1-year imprisonment, \$1,000 fine, or both to 28 years imprisonment, \$10,000 fine, or both.

Chapter 19-03.2. Imitation Controlled Substances. Penalties range from a class B misdemeanor for a person to use, or to possess with intent to use, an imitation controlled substance to a class C felony for the purpose of manufacturing, distributing, or possession with the intent to distribute, an imitation controlled substance.

Section 19-04-08. Distribution of Anabolic Steroids Prohibited. Penalty for distributing or possessing with the intent to distribute an anabolic steroid for use in humans other than the treatment of disease under the prescription of a physician is a class B felony.

12.1-31.1-03. The offense level for unlawful possession of drug paraphernalia ranges from a Class A misdemeanor to a Class C felony.

This is not a list of all possible alcohol or drug offenses. The violation of any offense, listed or not, may lead to disciplinary action by the University, as well as criminal prosecution. Disciplinary and appeal procedures for faculty are found in the Faculty Handbook and for staff in the Human Resources Policy Manual. Federal statutes are either attached or available as

printed in the August 16, 1990, Federal Register as part of the final regulations for the Drug-Free Schools and Campuses Act 1990.

Sources of Education and Counseling

The University offers an [Employee Assistance Program](#) (EAP), which can be used for referrals to appropriate support agencies or services. The human resources director is the contact person. Trinity Health or North Central Human Service Center in Minot offers educational programs for persons seeking assistance in drug and alcohol evaluation, intervention, treatment, and aftercare. Other agencies or licensed addiction counselors are listed in the yellow pages of the telephone book under "Alcoholism Treatment" and "Drug Abuse Information and Treatment."

Students may initiate help for themselves or others by contacting the [Student Development and Health Center](#). Other agencies in addition to those listed below may be found in the yellow pages of the telephone book under "Alcoholism Treatment" and "Drug Abuse Information and Treatment."

VILLAGE FAMILY SERVICES

852-3328
20 1st St SW
Minot, ND 58701

TRINITY MENTAL HEALTH SERVICES

857-5998
1900 8th Ave SE
Minot, ND 58701

Uses and Effects of Controlled Substances

For drug descriptions, see the DOJ website at: <https://www.dea.gov/druginfo/factsheets.shtml>

Reporting Requirements and Records Retention

A department chair or supervisor who has disciplined a faculty or staff member for alcohol or drug-related workplace problems or who has knowledge of an alcohol or drug-related conviction, shall notify the appropriate vice president in the area the faculty or staff member is employed.

Confidentiality of Records

North Dakota Century Code 44-04-18.1, "Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and may not be released without the written consent of the employee." North Dakota Century Code 44-04-18.1, "Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record, is confidential, and may not be released without the written consent of the employee."

Direct inquiries to: HR Director / EEO/AA / Deputy Title IX Coordinator, Administration 2FL,
701-858-4610, hr@minotstateu.edu

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