

# 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](#).

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 campus and surrounding communities;
- believes that the solution to alcohol and other drug misuse and abuse will require a community-wide approach.

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, 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.

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 products (hereafter referred to as "alcohol"), as well as 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).

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 to the [NDSU Counseling Center](#) (701-231-7671), or to agencies outside of NDSU for evaluations and/or treatment for alcohol- or other drug-related problems. NDSU personnel may also refer NDSU employees 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](#). 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 [Health Promotion](#) 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. Additional information can be found at the [Health Promotion](#) website.
4. 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 Vice Provost for Student Affairs and Enrollment Management (for students) or the Director of Human Resources (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 alcohol or associated permits.
  - 4.2 Sale of alcohol by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales 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 alcohol. The use of alcohol at any such events is expected to be lawful and low risk. Acceptable low-risk use of alcohol may vary due to certain individual considerations. For further information about low-risk alcohol consumption, see the [Health Promotion](#) website.
  - 4.4 Registered student organizations planning off campus events at which alcohol may be available must complete the Alcohol Risk Management Assessment form found in [myNDSU](#). 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](#).

- 4.5 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\(4\)](#) 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](#).
- 4.6 Alcohol 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.
- 4.7 The public display of advertising or promotion of the use of alcohol 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.)
- 4.8 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 advertisements and promotional materials, including but not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising. The Athletics Department may engage in alcohol promotional activities, provided it does not: (i) encourage any form of misuse of alcohol; (ii) portray drinking as a solution to personal or academic problems; (iii) indicate that alcohol is helpful for social or academic success; or (iv) objectify any sex/gender.
- 4.9 Advertising of alcohol shall not appear in University controlled or affiliated publications (including University affiliated web sites)\*. The Athletics Department may engage in alcohol promotional activities, provided it does not (i) encourage any form of misuse of alcohol; (ii) portray drinking as a solution to personal or academic problems; (iii) indicate that alcohol is helpful for social or academic success; or (iv) objectify any sex/gender.

Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.

- 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 alcohol 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".

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

*NDSU student media (as governed by the Board of Student Media)* 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](#). Student media organizations are accountable to the Board of Student Media 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 revenue for advertising alcohol, 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.

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

4.11 Though alcohol consumption is legal for individuals over 21 years of age, and the most commonly used drug by young adults, the focus of this policy is not limited to alcohol. The misuse of illicit and/or otherwise legal prescription drugs poses a significant threat to student well-being and undermines the student-focused goals of the University. The use of marijuana, including recreational and medicinal uses, is strictly prohibited under Federal law. As such, any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited.

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 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/or 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](#).)

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

- a. Written warning.
- b. Conduct probation
- c. Supervised conduct probation.
- d. Conduct suspension.
- e. Conduct expulsion.

5.1.2 With each sanction, conditions may be assigned. In addition, notification may be given to other University officials as necessary. Conditions include, but are not limited to:

- a. Alcohol or other drug programming, evaluation, and/or testing
- b. Written assignments.
- c. Participation in a specific activity or project.
- d. Restricted access.
- e. Loss of privileges.
- f. No contact orders.
- g. Restitution.

*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 Vice Provost for Student Affairs and Enrollment Management or designee.

*Responsible Action Expectations:*

All students are encouraged to promote the well-being of themselves, fellow students and others. If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students take responsible action by calling an ambulance or other appropriate emergency response personnel (ambulance, police, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

Students/student organizations who take such responsible action, or for whom action is taken, will not be subject to the Student Conduct process for alleged policy violations related to alcohol or drug use, nor will the incident become part of the student's conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to have an educational meeting with University personnel and/or complete an educational program. This protection may not apply if other conduct violations occurred within the same incident. See [Code of Student Conduct](#).

*Parental Notification:*

Parents or guardians of students under 21 may be contacted by an NDSU administrator following alcohol and/or other drug related incidents. See [Student Affairs and Enrollment Management](#) 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 \(a\)\(9\)](#).

## 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 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-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 faculty and staff supervisors seek advice from the appropriate, designated University contact. Staff supervisors should contact the Director of Human Resources, and Faculty supervisors should contact 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-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 Director of Human Resources 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-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;
  - 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.*

### Work attendance while under the influence:

Unlawful consumption of alcohol 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](#) (for employees).

*Local, State and Federal Laws:*

In compliance with the [Drug-Free Schools and Communities Act Amendments of 1989](#) a summary of local, state and federal laws related to alcohol and other drugs can be found at the [Health Promotion](#) website.

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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
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Housekeeping	June 12, 2013
Housekeeping	August 27, 2013
Housekeeping	September 2015
Amended	December 2, 2016
Housekeeping	August 25, 2017
Amended	August 23, 2018
Housekeeping	August 28, 2018
Housekeeping	December 14, 2020
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