

Bemidji State University Policies

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| Policy Name: Alcohol and Other Drugs Policy | Effective Date: 6/1/2015 |
| Policy Owner: Provost and VPASA/ Director of Housing and Residential Life/ Chief Human Resources Officer | Last Review: 5/1/17 |
| | Next Review: 9/1/19 |

Policy Statement

The possession, consumption, manufacture, sale, and/or distribution of alcohol or illicit drugs are prohibited on the Bemidji State University campus. Although the Minnesota Medical Cannabis Law and program allows seriously ill Minnesotans to use medical marijuana to treat certain conditions, the possession and use of marijuana remains illegal under federal law, including the Drug-Free Schools and Communities Act, the Controlled Substances Act, and the Campus Security Act, and Board Policy 5.18 Alcoholic Beverages or Controlled Substances on Campus. Therefore, the use, possession, production, manufacture, and distribution of marijuana continues to be prohibited while a student is on college or university owned or controlled property or any function authorized or controlled by the college or university. This policy extends to:

- all facilities, grounds, and property owned, leased or controlled by the University.
- all University-sanctioned events.
- all persons whether or not he or she is a member of the University community.
- individuals of all ages, even though they may be of legal age to consume or possess alcohol.

The jurisdiction of the policy shall be consistent with the criteria established in MnSCU Policy 3.6 Student Conduct, Part 2 and shall be applied to the off-campus behaviors of both students and employees for the violation of the “Alcohol and Other Drugs” policy when:

- hazing is involved; or
- the violation is committed while participating in a University-sanctioned event or sponsored activity; or
- the victim of the violation is a member of the University community; or
- the violation constitutes a felony under state or federal law; or
- the violation adversely affects the educational, research, or service functions of the University.

The determination of violations that adversely affect the educational, research, or service functions of the University shall include:

- Significant first time alcohol or drug-related legal violations (including but not limited to providing alcohol to minors, city ordinance violations, distribution of illicit drugs);
- Repeated alcohol or drug-related legal violations;
- Situations where the student's or employee's (while performing job duties) substance use results in a need for medical assistance; or
- Situations where the alcohol or drug use prevent the student or employee from being able to fulfill essential functions designated in their role associated with the University or creates a direct threat to the safety of others in their role associated with the University.
- The jurisdiction of this policy applies to all students as defined by the current MnSCU Procedure 3.6.1: Student Conduct and to any employee (while performing job duties in their role associated with the University) during the term of any employment contract at Bemidji State University. Jurisdiction applies to any violation of the "Alcohol and Other Drugs" policy that is submitted by formal written report to the University.

Exceptions

The only exceptions to the "Alcohol and Other Drugs" policy are:

- The one-time use of alcoholic beverages at specific university events when authorized by the President. These exceptions shall be consistent with the current MnSCU Procedure 5.18.1: Alcohol Use and Controlled Substances on Campus;
- Authorized laboratory and classroom instruction;
- The possession or use of alcoholic beverages in an alcohol use awareness program that is sponsored and approved by the University and the possession or use is limited to persons 21 years old or older;
- Use of alcohol while attending University-sanctioned events when the use of alcohol has been approved by the sponsoring organization and does not violate any state or federal laws.

Scope and Purpose of Policy

Bemidji State University recognizes its educational responsibility to its members regarding the use of alcohol and other drugs. This responsibility includes providing information regarding the effects of alcohol and other drugs, raising issues regarding responsible versus irresponsible use, and establishing written standards and sanctions for illegal use and/or use which results in behavior that violates the University's Code of Student Conduct, and civil and state laws.

Student Sanctions- students, who use, possess or distribute alcohol or illegal drugs on campus will be subject to disciplinary action as set forth in the University's Code of Student Conduct and civil and state laws.

Employee Sanctions- employees who violate the "Alcohol and Other Drugs" policy may be subject to disciplinary action, up to and including termination of employment. Adjudication and sanctioning for violations of the "Alcohol and Other Drugs" policy will be managed by the Office of Human Resources and must be consistent with the employee's respective bargaining

contract. Employees with alcohol or other drug use problems may be referred to the Employee Assistance Program or elsewhere for assessment and/or counseling. All University employees must adhere to these policies.

Procedures

Individual Students

Alleged violations of the “Alcohol and Other Drugs” policy will be adjudicated through the Vice President for Student Development and Enrollment and the Office of Student Conduct. In addition to educational sanctions for violations of this policy, University Warning, University Disciplinary Probation, Suspension, or Expulsion may/will occur. Residence hall students may have their housing contracts terminated for on or off-campus behavior. Students who fail to complete their sanctions in a timely manner will be subject to progressive disciplinary action including but not limited to an administrative hold on registration and records.

In certain situations, a student may be granted medical amnesty (aka Good Samaritan Act) from campus disciplinary action as the result of seeking immediate medical assistance for an alcohol or drug related emergency. Both the caller and the student in crisis may receive medical amnesty in accordance with implementation procedures approved by the president. Medical amnesty is intended to encourage students to obtain medical intervention when inaction could cause injury or death.

Students repeatedly held accountable for a violation of this policy and students involved in behaviors such as providing alcohol to minors, hosting events in their place of residence involving alcohol or drugs, engaging in alcohol or drug use that requires medical assistance and distribution of illicit drugs may be subject to more serious University sanctions. Sanctions are both cumulative and progressive over the course of a student’s entire education at the University. Sanctions may include but are not limited to:

- Disposal or law enforcement notified of any alcohol, drugs, or paraphernalia
- Conduct Warnings or Probation
- Counseling or Medical Referral
- Removal from Residence Halls
- Suspension or expulsion from the University
- Referral to Law Enforcement Agencies for prosecution of charges
- Athletes are also subject to being declared ineligible for play for the remainder of the season or entire enrollment at BSU

Medical Amnesty

Medical amnesty from formal campus discipline is intended to reduce the barriers that may inhibit students from seeking help when faced with a life threatening emergency caused by alcohol or drug ingestion. Students will be eligible for medical amnesty when a student not acting in a staff capacity seeks help for another student believed to be in danger or at risk of significant harm if not evaluated by emergency personnel. Eligibility for medical amnesty will be limited to the student needing medical assistance and the first student who called 911 or University Security.

Accessing emergency medical assistance will be a mitigating factor in the student disciplinary process as noted below:

- The student placing the call will only be required to complete educational sanctions. The sanction of a written warning or disciplinary probation along with the financial assessment for the cost of educational sanctions will be “deferred” on condition that the student completes sanctions in a timely manner and complies with the Alcohol and Other Drug policy for the following 12 month period.
- The student requiring emergency medical assistance will be required to complete, and pay for, assigned educational sanctions. Disciplinary probation or suspension will be “deferred” on condition the student completes sanctions in a timely manner and complies with the Alcohol and Other Drug policy for the following 12 month period.

Should either of the aforementioned students be found responsible for a second violation of the “Alcohol and Other Drugs” policy within one year of the date of the first violation, disciplinary sanctions for both the first and second violation will be assigned to that student.

These procedures are specific to campus disciplinary action; students are not immune from citation, arrest or criminal prosecution. Similarly, students granted medical amnesty will not be immune from discipline for other concurrently occurring violations of the Statement of Student Conduct, such as sexual assault, physical violence, harassment, hazing, vandalism, unpeaceable disturbances, and failure to cooperate with staff.

Rationale

The purpose of this policy statement is to maintain a campus environment that promotes healthy, responsible living; affirms civility; supports the well-being of each of its members, and is compliant with state and federal law and institutional regulations governing behavior. Respect for campus/ community standards and regulations are expected.

Alcohol and other drug use potentially affect the safety, health, and quality of life of all students and employees. Additionally, alcohol and drug use frequently affect the image of the university and restricts the ability of Bemidji State University to carry out its mission. Alcohol misuse and illicit drug use minimize an individual’s abilities to develop his/her academic or social relationships and is contrary to the educational process and goals of higher education. Bemidji State University recognizes that students and employees are responsible for their own conduct and for the consequences of their behavior.

The university acknowledges the rights of businesses that produce, sell and/or serve alcoholic beverages to advertise their products and services to the University community. The University reserves the right to protect its educational mission and learning environment from inappropriate product promotions and irresponsible merchandising and advertising. In regard to marketing, University offices, departments and contracting agencies must give careful

consideration to the University's mission to determine the consistency of the message being sent when involved in advertising and/or other promotional activities related to alcoholic beverages and alcohol and other drug paraphernalia. University-affiliated publications should be aware that they are representatives of the institution as a whole. Advertising practices that violate the standards established by the industry itself and which encourage misuse of the alcohol or other drugs as interpreted by University policy will meet with appropriate University action, as deemed appropriate to the situation.

This "Alcohol and Other Drugs" policy shall provide guidance and authority for any subordinate alcohol and drug related policy at Bemidji State University. The following laws, ordinances, policies, and procedures relating to alcohol and drugs provide guidance and authority for this policy.

Supporting References

Federal Statutes <http://www.fda.gov/RegulatoryInformation/Legislation/ucm148726.htm>

Minnesota State Statutes <https://www.revisor.mn.gov/statutes/?id=152>

MnSCU Employee Code of Conduct <http://www.mnscu.edu/board/procedure/1c0p1.html>

MnSCU Student Code of Conduct <http://www.mnscu.edu/board/policy/306.html>

MnSCU Alcoholic Beverages or Controlled Substances on Campus

<http://www.mnscu.edu/board/policy/518.html>