



Drug and Alcohol Prevention Program (DAAPP)

Mayville State University recognizes the serious effects of alcohol and other drug abuse on the performance and wellbeing of its students, faculty, and staff. The University administration requires that all members of laws, including those that govern use of alcohol and other drugs (AOD). To promote such compliance and to support a healthy campus culture, we have implemented a Drug and Alcohol Prevention Program (DAAPP) that is designed to be comprehensive while addressing the needs of each population within the institution by articulating common standards for conduct, legal, and institutional sanctions for violations, health risks associated with AOD abuse, and available resources such as counseling and treatment.

At the beginning of each academic year, the College distributes its DAAPP to all members of the campus community via email. A paper copy is available from the Director of Student Life. All community members receive notification of the College's AOD policies. Alcohol and Other Drug (AOD) Policies and DAAPP in their respective handbooks.

The AOD Committee conducted its [Biennial Review](#) of the University's DAAPP in December 2019.

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Sent: Thursday, September 5, 2019 4:10 PM

To: MASU Students <Students@mayvillestate.edu>

Cc: MASU Staff <Staff@mayvillestate.edu>; MASU Faculty <Faculty@mayvillestate.edu>

Subject: Annual Notification: Alcohol and Other Drug Prevention Programs; Student Right to Know; Additional Safety Notifications

All:

Mayville State University is committed to providing current students, prospective students and families, current and prospective employees, and all additional stakeholders with certain consumer information about the institution to which you are entitled by regulations outlined by the U.S. Department of Education. Mayville State complies with federal regulations and provides reports and institutional data as outlined by the Student Right to Know Act within the Higher Education Amendments of 1998, The Clery Campus Security Policy and Campus Crime Statistics Act (1990), the Drug Free Schools and Communities Acts (1989), and other legislative statutes.

The Student Right to Know and Consumer Information pertaining to the University is listed below. It is our intention to make this information as clear and accessible as possible. It may also be obtained, upon request, in printed copy from the Office of Student Affairs, located in Old Main 112C. Dr. Andrew Pflipsen, Vice President for Student Affairs, is the designated university employee to contact for assistance in obtaining hard copies of the information below and may be contacted by calling 1-800-437-4104, extension 34770, or by emailing andrew.pflipsen@mayvillestate.edu.

For students in particular, information about the rules and responses to rules violations the University applies and uses are contained in the following three documents:

- [Student Handbook](#) (includes info about safety and academic and campus services)
- [Code of Student Rights and Responsibilities and Student Disciplinary Process](#)
- [Residence Hall Handbook](#)

In regards to alcohol and other drug use and awareness programs, please know:

- alcohol use on campus is prohibited, regardless of age, unless you are at an event for which the President has specifically provided an alcohol permit. In general, these are only for catered events in the Campus Center and for designated areas for tailgating. Alcohol is always illegal for those under 21 to possess or use.
- drug use on campus is always illegal. This is true regardless of whether you think you have a “marijuana card” or other such medical permission. For additional information, see [Drug Free School Policy](#).
- it is the considered opinion of college administrators and health professionals that the misuse of alcohol and the use of illicit drugs poses health risks. Please understand the University provides resources to help you learn about alcohol and other drug use. See [Sexual Violence and Substance Abuse Prevention Resources](#).

- students who violate policy may face sanctions through the processes indicated in the [Code of Student Rights and Responsibilities and Student Disciplinary Process](#).
- The University uses a progressive severity approach to most violations, but repeated violations of the policy can result in the removal of privileges and/or suspension from the institution.
- employees who violate the Alcohol or Drugs on campus policies will be addressed through Human Resources avenues. The University uses a progressive severity approach to most violations, but repeated violations of the policy can result in the termination.
- legal ramifications may, or may not, apply to a given situation. University disciplinary procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus, and the status of civil or criminal charges involving the same incident, whether the case is on-going or dismissed, or whether those charges have been reduced or modified, have no predetermined impact on the University's decision regarding a case's process or resolution.
- the Counseling office has resources for students who may be seeking medical assistance for alcohol and drug dependency concerns.
- information about the Employee Assistance Programs is available on the Human Resources [Sharepoint](#) site.

Additional Resources:

- [Missing Student Notification Policy](#)
- [Title IX Reporting at Mayville State University](#)
- [Sexual Misconduct and Title IX Policy](#)
- [Emergency Notification System](#)
- [Emergency Contact Information](#)
- [Emergency Procedures Quick Reference Guide](#)
- [Active Shooter Preparedness](#)
- [Tobacco Free Campus Policy](#)

and even more resources available at [MSU Consumer Information](#).

Important Alcohol and Other Drug Policies from the [Code of Student Rights and Responsibilities and Student Disciplinary Process](#)

Part III: Prohibited Conduct

The following conduct shall constitute violations of the Code:

D. Alcohol and Drugs

4.01 Possession of alcohol except when permitted — the Unauthorized Use of Alcoholic Beverages includes the possession, distribution, sale and or solicitation of, or consumption of, alcoholic beverages except during events or in circumstances authorized by University Officials and/or failure to comply with state or [University regulations regarding the use or sale of alcoholic beverages](#).

also see:

North Dakota Century Code: [Individuals under twenty-one years of age prohibited from using alcoholic beverages...](#)

ND State Board Policy Manual, [Section 918, Alcoholic Beverages](#)
Residence Halls Handbook (*see below*)

4.02 Possession of controlled substances. The possession, distribution, sale, and/or solicitation of, or consumption of (a) prescription drugs except those proscribed to the person carrying same; (b) illegal drugs or controlled substances; or (c) other intoxicants and/or (d) paraphernalia used for the consumption of such intoxicants, or the (e) possession of household or common items which the Hearing Officer determines was intended by the Responding Student to be used or trafficked as an intoxicant(s) (e.g., spray paint used for huffing).

4.03 Failure to abide by university or state policy governing tobacco use in public buildings and/or University residence halls or on campus grounds. Smoking and use of smokeless tobacco products are restricted from use on campus, except in one's personal vehicle. See [M917](#).

Residence Hall Policies, from the [Residence Hall Handbook](#)

Acts in Violation of Established Student Housing and Student Life Policies or Procedures

- a. **Alcohol** - Violation of established Student Housing and Student Life policies regarding the possession, distribution and consumption of alcoholic beverages including:
 1. Consuming or transporting open alcoholic beverages in residence hall common areas including, but not limited to, hallways, lounges, stairways, and/or community bathrooms.
 2. No possessing alcohol paraphernalia including, but not limited to, empty alcoholic beverage containers, beer bongs, and/or kegs.
 3. No providing open access to alcohol including, but not limited to, access to bulk or common source alcohol containers, access to more open containers present than the number of legal age persons present, or access to devices or games used in or intended for the rapid consumption of alcoholic beverages.

- b. **Tobacco on Campus** – Smoking, the use of E-Cigarettes or similar devices, and the use of smokeless or chewing tobacco are prohibited on all University Grounds, with the exception of personal vehicles. Smoking, Vaping, or use of smokeless or chew tobacco is not allowed in the residence halls.

Drugs

The State of North Dakota prohibits the sale, possession, and use of marijuana, depressants, stimulants, hallucinogenic drugs and/or paraphernalia. The University cooperates fully with state authorities seeking to enforce drug abuse laws. Students receive no immunity from arrest or prosecution by law enforcement officials as a result of their residence in University housing.

Residence hall students are expected to abide by Federal, State, Local, and City laws and ordinances with respect to the use of dangerous/illegal drugs and narcotics. Situations involving student drug possession/abuse will be reported to the Director of Student Life and/or civil authorities for appropriate disciplinary and/or legal action. This may include removal from the residence hall and/or the university.

How Alcohol and Other Drugs, and the abuse of these drugs, may affect you:

The US Department of Justice and the Drug Enforcement Agency have compiled [important information for you to review](#) and to address questions you might have.

Campus Disciplinary Sanctions, from Part VII: Sanctions, of the [Code of Student Rights and Responsibilities and Student Disciplinary Process](#)

A. Philosophy

Mayville State University recognizes its first obligation is to respond to allegations of the [Code](#) in a manner that encourages ongoing safety for all members of the University. The University also adheres to and upholds a philosophy of progressive discipline whenever appropriate. The conduct system and imposition of sanctions contribute to the teaching of appropriate individual and group behavior and foster the ethical development and personal integrity of students.

1. In determining a Sanction, the Responsible Student's present demeanor, past disciplinary history, the nature of the offense, the resulting severity of any damage, injury or harm, and other factors may be considered.

2. If a student is determined to have violated the [Code](#), any one or more of the following Sanctions may be imposed, deferred, or held in abeyance by the Hearing Officer. Generally, a student is issued a status sanction (B) and one or more active sanctions (C).

B. Disciplinary Status Sanctions

1. **Censure.** Verbal or written notice that the behavior has been inappropriate. May be considered part of student conduct record in future disciplinary action.
2. **Disciplinary Probation.** A period of time during which a student's behavior is subject to close examination. Restrictions may be imposed by the Hearing Officer,

restrictions such as prohibiting a student from holding elected or appointed office in a student organization or participating in intercollegiate athletics, required ongoing mentoring sessions for a period of time, and/or assigning one or more items from (C) herein.

3. **Deferred Suspension.** A delayed removal from class/the university for a period up to two semesters. Any adjudicated violation during this period may result in immediate suspension for a specific period of time. Restrictions may be imposed by the hearing officer, restrictions such as prohibiting a student from holding elected or appointed office in a student organization or participating in intercollegiate athletics, required ongoing mentoring sessions for a period of time, and/or assigning one or more items from (C) herein.
4. **Suspension.** Removal from class/the university for a specified period of time ranging up to a maximum of two years. Suspended students must remove themselves from the campus totally. Students suspended from the university may not attend online classes during their suspensions. The expiration of the suspension period is no guarantee of readmittance.
5. **Dismissal.** Removal from the university, in principle considered to be permanent; in all cases to be observed for no fewer than five years.
6. **Deferred Loss of Recognition.** A delayed removal of recognition as a recognized student organization. Any adjudicated violation during this period may result in immediate loss of recognition for a specified period of time.
7. **Loss of Recognition.** During this time, a recognized student organization may not associate itself with the university by using the university name, facilities, and/or other rights and privileges of recognized student organizations. The expiration of the loss of recognition period is no guarantee of re-recognition.

C. Disciplinary Status Sanctions

Assigned active statuses generally require the student to do something and will have a “due date” by which the activity must be completed and/or a date when progress regarding the assignment has been made. Due dates may be structured as incremental timeposts rather than completion of the activity and these dates may be extended by the Director of Student Life when a student is expected to receive on-going assistance or is expected to comply with Sanctions in an ongoing fashion.

See Part III, G, 7.08

- a. **University/educational service.** Assignment of an appropriate project that will benefit the university community, responsible student or others, or attendance at an educational workshop, including on-line trainings or assessments.
- b. **User Fee(s)** associated with training, community service observation, or other cost associated with any sanction issued.
- c. **Restriction.** Denial of access to any campus facility, activity, class or program, or denial of student privileges.
- d. **No Contact Directive.** A directive to refrain from any intentional contact, direct, or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties. Failure to adhere to a no contact directive may result in further disciplinary action, including the placement or expansion of interim measures.
- e. **Referral.** A student may be referred to counseling services, substance awareness, health services, or other appropriate offices or local agencies.
- f. **Fine.** A fine is a fee or a financial sanction, imposed for alcohol, drug, and/ or other violations, the payment of which will be used toward alcohol and/or other drug education and alternative programming.
- g. **Restitution.** Financial compensation to the University for cleaning, replacing, or restoring a specific area or thing when loss or damage was a result of the student’s disciplinary violation. The University does not manage restitution to other students, but a failure to comply with a mediated Agreement is a violation of the Code.
- h. **Housing Ban.** Residence hall transfer, residence hall floor transfer, restricted access within the residence halls, restricted access to dining services, and removal and/or ban from the residence halls and/or dining services for a specified period of time.
- i. **Deferred Loss of Residence.** A delayed removal from university operated residence halls for a period of up to two semesters. Any proven offense during this period may result in immediate loss of residence.
- j. **Notification.** Parents, faculty/staff, or others may be notified or contacted regarding a student’s behavior consistent with applicable law.
- k. **Other Sanctions.** Other Sanctions that advance the safety concerns or the educational concerns of the University may be also or alternatively be imposed.

Legal Penalties for Alcohol and other Drug Violations

Citations for a couple of hundred dollars to an arrest and felony charges may occur for violations of state laws related to alcohol and drug violations. The University supports local law enforcement in its judgment and enforcement of these laws.

Other Notices:

Immunity from Prosecution — “An individual is immune from criminal prosecution ... if that individual contacted law enforcement or emergency medical services and reported that the individual was or that another individual was in need of emergency medical assistance due to a drug overdose. To receive immunity under this section, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with emergency medical services and law enforcement personnel in the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in need of emergency medical services” (NDCC § 19-03.1-23.4)

The University will not take formal disciplinary action against a student who calls for or who receives medical attention due to alcohol or other drug use such that medical assistance is needed or sought. The University may require compliance with educational initiatives related to the overdose that created the situation.

Parental Notification: Parents or guardians of students under 21 may be contacted by an administrator following alcohol and/or other drug related incidents.

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).

Employees: Individual employees who are found in violation of University policy on alcohol and other drugs by their supervisors will be reported to the Director of Human Resources/Payroll for consultation prior to action.