



**Biennial Review of Minnesota State University Moorhead
Alcohol and Other Drug Programs: Fall 2020 thru Spring 2022**

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SECTION 1: Background and Information

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) requires an institution of higher education (IHE) such as Minnesota State University Moorhead (MSUM) to certify that it has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by MSUM students and employees, both on its premises and as a part of any of its activities. At a minimum each institution of higher education must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
- A description of short and long term health risks related to the use of illicit drugs or the abuse of alcohol
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct

The law further requires that the institution conduct a biennial review of its program with the following objectives: (1) determining the effectiveness of the policy and implementing changes to the Alcohol and Other Drug (AOD) program if they are needed; and (2) to ensure that the sanctions developed are enforced consistently.

The biennial review must also include a determination as to: (1) the number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of their activities that are reported to campus officials; and (2) the number and type of sanctions the IHEs impose on students or employees as a result of such violations or fatalities.

Minnesota State University Moorhead acknowledges its legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the University fulfills the requirements of the aforementioned Federal regulations.

The intention of this document is to meet the legal requirements of conducting a biennial review and also summarize the programs and activities related to alcohol and drug prevention on MSUM's campus during the FY 2019 (Fall 2018 thru Spring 2019 semesters) and FY 2020 (Fall 2019 thru Spring 2020 semesters).

Minnesota State University Moorhead (MSUM) is a four-year institution located in Moorhead, Minnesota. MSUM is a member of the Minnesota State system, adheres to the system's Board of Trustees policies as well and State of Minnesota statutes and laws. MSUM works with a liaison from the Moorhead Police Department, collaborating during heightened social events and providing referrals for MSUM students who receive citations for alcohol and other drug citations.

SECTION 2: Environmental Strategic Interventions

The following are descriptions of adopted and implemented strategies and efforts for the prevention of the abuse of alcohol and use or distribution of illicit drugs both by MSUM students and employees, both on its premises and as a part of any of its activities. MSUM is committed to providing numerous opportunities for students to engage in substance-free activities and events and aims to provide an environment that supports health-promoting norms.

Campus Committee: Substance Abuse Prevention Committee

The **Substance Abuse Prevention Committee** develops, implements, and evaluates social-norms, and environmental management programs designed to reduce alcohol, tobacco, and other drug (ATOD) misuse among students. In addition, the committee monitors ATOD data at MSUM and analyzes the impact of ATOD misuse on academic success. The committee reviews and recommends ATOD policy. The committee serves as advisory to the university president. The committee member includes representation from the following: Counseling Services, Athletics, Academic Affairs, Student Conduct and Resolution, Public Safety, Housing and Residential Life, Student Union and Activities, and 5 student representatives from Student Senate, Greek Life, Residential Life, Athletics, and Wellness Educators.

Student Life Programs and Efforts

Housing and Residential Life: The Housing and Residential Life Living, Learning, and Leading Model specifically address active and passive programmatic efforts related to risk-reduction in use/abuse of alcohol and other drugs through learning outcomes related to Personal Safety and Wellness. Resident Assistants are responsible for providing programming/events which address these programmatic learning outcomes.

All events within the Housing and Residential Life programming model are alcohol-free. Also, all residence hall are alcohol-free and illicit drug-free living environments for students. Housing and Residential Life has in-hall staff members who aim to build close relationships with students, providing opportunities to advise and mentor them.

In addition to the University Alcohol and Other Drug policy, Housing and Residential Life include policy statements specific to behaviors that occur in the residence halls. These are provided below in Section 4: Policy Inventory.

The Dragon Entertainment Group: The Dragon Entertainment Group is a registered student organization that plans major programming events on campus—during the week and throughout the day and on the weekends. The Group also provides late night programming offered to students as an alternative to going out to parties and drinking alcohol. These events are highly social, providing entertainment, crafts, activities, non-alcoholic beverages, and food.

The Dragon Entertainment Group programs with the purpose to enhance the college experience through leadership, student development, and innovative programming that reflects and supports the diversity of MSUM and the surrounding community.

The Wellness Educators: These are students who engage in peer education through collaborative programming with other departments on campus as well as classroom presentations. The Wellness Educators develop and implement activities designed to encourage positive lifestyles. The Wellness Educators develop a student-driven effort to creating a healthier campus.

The Wellness Center: The Gerdin Wellness Center offers a wide variety of opportunities for an active and healthy lifestyle. Within the Wellness Center, there are group exercise classes, a rock

wall, a variety of fitness machines, and a relaxation room. The Wellness Center is open a variety of hours, including evening and weekend hours.

Club Sports and Intramurals are also engaged through the staff in the Wellness Center. This includes opportunities that connect students and engaged them, including highly regarded special events.

Greek Life: MSUM has two social fraternities:

- **Delta Zeta:** Sorority members review the alcohol policy during chapter wide educational sessions each semester. Each October the chapter hosts “I have a Choice” week which enriches the minds of students by talking about the effects of alcohol on one’s body, the warning signs of alcohol abuse, social respect and consent around alcohol consumption, preventative social event planning processes and other topics. Sorority members are directed to follow all state, federal, and university policies regarding alcohol and other drugs. The organization has a policy, procedure, and penalties. The chapter does not have a residence.
- **Kappa Sigma:** Fraternity members review the code of conduct each semester with the entire chapter. The code includes a section on alcohol and controlled substance use. All members are directed to follow the law. The chapter does not have a residence.

Varsity Athletics Programs: The varsity athletic department at MSUM hosts educational programs and provide alcohol-free events as follows:

- Participation in NCAA required mandatory random drug testing for all student-athletes
- Athletic training staff and coaches discuss NCAA banned substances, alcohol and drugs with every team
- Athletic department has a substance abuse policy to identify student-athletes with possible AOD abuse/addiction and provide intervention/treatment plan
- Student Athlete Advisory Committee (SAAC), as part of the Northern Sun Intercollegiate Conference, participated in “*It’s A Slam Dunk, Don’t Drive Drunk*”, by collecting pledges and raising awareness about the dangers of drunk driving; February 2019, February 2020
- Athletics staff facilitated eight sexual violence prevention sessions (utilizing curricula from One Love Foundation), for 286 student-athletes that had discussion about the role of alcohol and drug use in healthy relationships and sexual violence; Fall 2019, Spring 2020, Fall 2020
- *Athletic department will host NCAA speaker on drugs/alcohol/performance enhancing drugs, Fall 2020*

Academic Faculty and Coursework: Academic faculty take action if they notice students missing a lot of classes and/or assignments. They also approach students who confess some kind of alcohol problem; faculty often reach out to the Academic Dean of their College or the university CARE Team.

Faculty members who travel with students to conferences make sure the students are acting in accordance to the university alcohol policies and involve students in appropriate activities.

The First Year Experience course at the university includes faculty and instructors addressing alcohol abuse.

The following MSUM Courses are offered to student, specific to alcohol and other drug awareness.

PSY 317 - Alcoholism and Drug Abuse

Description: Informational survey and study of alcoholism and drug abuse, a major health problem with substantive psychological components. The physiological, psychological, and social impact of drugs and their misuses and abuses will be discussed. Students must have taken Psy 113, or have the consent of the instructor.

HIST 420 - History of Drugs

Description: This class surveys the history of drugs, broadly understood as any non-food substance that causes a temporary physical and/or psychological change in the consumer's body. This class focuses on the moral, legal, social, political, cultural, and economic history of several different substances (tobacco, chocolate, marijuana, alcohol, cocaine, opium, and steroids, among others) throughout history. MnTC Goal 5 and 9.

HLTH 110 - Personal Health and Wellness

Description: This class assists students in examining their personal level of wellness, which includes physical fitness, making good nutrition choices, maintaining a healthy body composition, dealing effectively with stress, determining personal risk for cardiovascular disease and cancer, making wise choices in drug use and avoiding abuse, protecting one's self against sexually transmitted diseases and identifying skills for developing and maintaining successful interpersonal relationships.

COUN 669E - Internship in Addiction Counseling

Description: Internship is designed to meet the CACREP accreditation standards and requires completion of all documented 750 clock hours of field experience (Students seeking licensure in North Dakota may need to complete additional clock hours per consortium requirements.) in an approved setting consistent with a student's area of specialization. Specific emphasis is placed on direct contact with consumers of counseling services. Documentation of weekly meetings with faculty and field supervisors is required. Course meetings are counted towards the amount of hours needed to complete internship. Case conceptualization, counseling skills and techniques, and service delivery systems are discussed in weekly group sessions.

COUN 691E - Practicum in Addiction Counseling

Description: Practicum is designed to meet the CACREP accreditation standards and requires 150 hours of documented demonstration of professional practice and documented hours of supervised field experience in a setting consistent with a student's area of specialization. Students are expected to demonstrate the application of theory, knowledge and counseling skills learned throughout the counselor education program. Individual and group supervisory meetings are required weekly. Enrollment requires faculty advisor or program coordinator approval.

COUN 664 - Introduction to Substance Use Disorders & Addictive Behaviors

Description: This course covers content area in Substance Use Disorders including introduction to and historical perspective of models of addiction, ethical and legal issues, community support, and self-help resources for people and their support system diagnosed with substance use disorders. It also covers contagious diseases related to substance abuse, American Society of Addiction Medicine criteria, treatment planning, family treatment, and prevention of substance use disorders. This course is designed to be in accordance with CACREP standards and Minnesota/North Dakota Addiction Counseling licensure requirements.

COUN 668 - Psychopharmacology for the Helping Professions

Description: This course provides students with an in-depth examination of the behavioral and central nervous system effects of pharmacologic substance use and abuse, and the application of such substances to the prevention and treatment of psycho-pathological dysfunction. This course fulfills CACREP accreditation standards as well as Minnesota and North Dakota Addiction Counseling licensure requirements.

SOC 210 - Social Problems

Description: Examines such problems as poverty, crime, urban problems, family problems, environmental problems, and war and terrorism. MnTC Goal 5.

Involvement in community coalitions that specifically address alcohol and other drug issues:

A campus member serves as a representative in community coalitions, including the Living Well Coalition (with M State-Moorhead) and the Clay County Safe Roads Coalition. These coalitions address alcohol and other drug abuse prevention and related issues through the following prevention and intervention strategies: increasing enforcement of minimum drinking age laws; implementation, increased publicity, and enforcement of other laws to reduce alcohol-impaired driving; restriction on alcohol retail outlet density; and responsible beverage service policies in social and commercial settings.

The following is a list of university web pages that provide information regarding substance free programs and events offered at the university:

- DragonCentral: <https://mnstate.collegiatelink.net/>
- Comstock Memorial Union: <http://www.mnstate.edu/cmu/events-activities/>
- Dragon Entertainment Group:
<https://mnstate.campuslabs.com/engage/organization/dragonentertainmentgroup>
- Office of Student Activities: <http://www.mnstate.edu/osa/>
- MSUM Wellness Center: <http://www.mnstate.edu/wellness/>
- MSUM Athletics: <http://www.msumdragons.com/>
- Intramurals and Club Sports: <http://www.mnstate.edu/intramurals-club-sports/>
- Music Performance Activities: <http://www.mnstate.edu/music/>
- Performance Arts Series: <http://www.mnstate.edu/perform/>
- Straw Hat Players: <http://www.mnstate.edu/strawhat/>

SECTION 3: Notification of Standards: Laws, Risks, and Resources

Written Notice to all Students

MSUM has created a comprehensive web page to provide education and awareness regarding policies, procedures, and resources: www.mnstate.edu/aod A link to this resource is distributed to students.

On September 3, 2020, the Registrar's Office sent official notice to all students, providing them with the information for the student handbook and student conduct code, which includes the MSUM AOD information.

Drug-Free Schools Compliance

The Drug-Free Schools and Communities Act requires the university to comply with federal, state, and local laws and ordinances related to alcohol and other drugs. Information about the University Alcohol and Other Drug Policy, including specific outcomes for violations and addressing off campus reports, can be found in the Student Handbook: www.mnstate.edu/student-handbook

Resources for students regarding city ordinances, health risks associated with use/abuse, and local counseling and treatment options can be found in the campus resource guide: www.mnstate.edu/aod The Hendrix Clinic and Counseling Center on campus provides substance use counseling, which is free to students.

On September 8, 2021, the Registrar's Office sent official notice to all students, providing them with the information for the student handbook and student conduct code, which includes the MSUM AOD information.

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State of Minnesota Laws and City of Moorhead Ordinances

Legal Drinking Age & Public Alcohol Consumption

- It is a violation of Minnesota State Law for anyone under the age of 21 to:
- Consume alcoholic beverages, or have any measureable amount of alcoholic beverage in their system.
- Purchase, attempt to purchase, or possess alcoholic beverages.
- Misrepresent your age, attempt to use another's driver's license or false identification to gain entry into a liquor establishment or to purchase alcoholic beverages.
- Enter a licensed liquor establishment to purchase or be served alcoholic beverages.

It is a violation of City of Moorhead Ordinance for anyone, regardless of age, to be in possession of an open container of an alcoholic beverage in a public place.

Selling, bartering, furnishing, or giving alcoholic beverages to a person under 21 years of age is a gross misdemeanor offense with a maximum penalty up to 1 year imprisonment and/or \$3,000 fine.

Driving Under the Influence (DUI)

Minnesota Law makes it illegal to drive while under the influence of alcohol, a controlled substance, or both. A blood alcohol level of .08 or more is considered intoxicated.

A police officer can require you to provide a breath, blood, or urine sample for testing. If you refuse, you will lose your driving privileges in Minnesota for one year. It is also a gross misdemeanor offense to refuse to take the test if you have previously been convicted of DUI or if you've been asked to take a test before.

An open bottle or container of alcohol in a motor vehicle is also against the law.

LIKELY CONSEQUENCES of a conviction for driving under the influence of alcohol or drugs include:

- A fine of up to \$1,000.
- Loss of your driver's license for 90+ days.
- Enhanced penalty for a BAC over .16.
- Retake Minnesota driver's license exam, both written and driving, and pay a \$680 reinstatement fee to have your driving privileges renewed in Minnesota.
- Nonresidents can expect their home states to be notified of the conviction. Many home states will suspend your driver's license for an additional period of time.
- \$75+ fee for a chemical dependency interview with a counselor.
- Mandatory compliance with chemical dependency counselor's recommendations.
- 90-day jail sentence stayed on condition the fine is paid and no similar convictions occur within 2 years.
- Insurance costs will increase substantially for at least 3 years.

REPEAT Offenses: A second offense of DUI within five years, or a third within 10 years, will be charged as a gross misdemeanor with a maximum possible sentence of 1 year in jail and/or a \$3,000 fine. All of the consequences listed above become more serious upon a second offense.

Noise (Party) Ordinance (City Code 4-4-2)

No person shall congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

- Noise which is audible for 50 feet from a residence is prima facie evidence of a noise violation.
- Everybody, other than the owner or tenants, must disperse if directed to do so by police.
- Owner/renter has the duty to cooperate in dispersing guests as directed by police.

Violation of any of these provisions is a misdemeanor offense which may result in up to \$700 fine, and or 90 days in jail, which may apply to the tenant as well as the owner of the property.

Repeated violations may result in administrative action against the owner and possessor of rental license.

Social Host Ordinance (City Code 4-4-19)

It is unlawful for any person to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does consume or possess (with the intent to consume) any alcohol or alcoholic beverage. In addition, it is unlawful for any person to fail to take reasonable steps to prevent possession or consumption by the underage person(s). Furthermore, a person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Disorderly Conduct Ordinance (City Code 9-7-12)

Two instances of disorderly conduct in a rental unit within three months is grounds for eviction. Some of the activities deemed disorderly under this ordinance are noisy parties, possession of controlled substances, minors consuming alcohol, sale of intoxicating liquor, prostitution, unlawful possession of weapons and conduct which annoys, threatens, or harasses neighbors.

On and Off Campus Resources

MSUM provides on-campus services for students and off-campus referrals for students or faculty/staff members who need to address alcohol and other drug abuse issues.

On Campus: MSUM Counseling Services provides substance abuse and mental health counseling services to all registered students at no charge. In specific, substance abuse intervention services are provided by a dually licensed substance abuse (Licensed Alcohol and Drug Counselor) and mental health counselor (Licensed Professional Counselor). In addition, applicable medical services are provided by a nurse practitioner and registered nurse. Appointments can be scheduled by calling 218-477-2211

Off Campus: Off campus referral can be facilitated by clinic staff or accessed independently with the following providers:

- Southeast Human Services, Fargo: (701) 298-4500
- Beth's Place: (701) 566-9965
- Lakeland Mental Health, Moorhead: (218) 233-7524
- First Step Recovery, Fargo: (701) 293-3384
- ShareHouse: (701) 478-8440
- Prairie St. John's, Fargo (701) 476-7200
- Alcoholics Anonymous: (701) 235-7335
- Narcotics Anonymous: (710) 234-9330
- FirstLink Hotline: (701) 235-SEEK (7335)
- Employee Assistance: <http://mn.gov/mmb/segip/health-solutions/employees/eap/> or 651-259-3840

Parental Notification (for students)

Students experience a variety of positive and negative challenges when transitioning from their home environment to college life. Sometimes these challenges interfere with students' academic achievement and may include alcohol and/or drugs. MSUM's goal is to partner with families in assisting with students' transitions.

The 2008 Minnesota Legislature amended the Education Data section of Minnesota Statute to address the issue of postsecondary institutions notifying parents of their students' drug or alcohol offenses.

This allows, but does not require, MSUM to disclose disciplinary violations based on drug or alcohol use or possession if the student is under the age of 21 at the time of the violation. However, disclosure is **only**

based upon a student signing a release and identifying the specific person(s) the information may be released to.

Students can sign the release, even if there is no current record or disciplinary violations regarding drug or alcohol use or possession. The release is good for **one year only** from date of signature. A new release must be signed each year.

Information about this release was provided at new student orientation. A new release is attached [to the brochure] and can also be retrieved from the Director of Student Conduct and Resolution, Flora Frick Hall 153. Releases can be faxed to the Director of Student Conduct and Resolution at 218-477-4324. For questions regarding this release, please call 218-477-2174.

SECTION 4: Policy Inventory

MSUM Alcohol and Other Drugs Student Policy

Policy:

Minnesota State University Moorhead recognizes that the misuse of alcohol and other drugs is a serious problem in our society and our community. This University seeks to create a campus environment which promotes healthy and responsible living that is conducive to the intellectual and personal development of students. The University is committed to establishing and enforcing clear campus policies regarding the use of alcohol and other drugs.

Definitions:

1. **Recognized Student Organization** - any student organization that has successfully completed the recognition process as outlined in the Student Organization Handbook and registers each academic year with the Office of Student Activities.
2. **Travel Status** - the time period from departure until return to campus by students who have obtained travel authorization through the appropriate university representative for a university sponsored student event.
3. **University recognized Student Event** - activities that include, but are not limited to: official meetings, practices, competitions or trips involving students (who represent divisions, departments or majors), recognized student organizations or intercollegiate athletic teams of the University.
4. **Good Samaritan** – A student who seeks emergency services for a fellow student suffering from an alcohol or other drug (AOD) overdose.

Prohibited Conduct:

1. The use, possession, distribution, manufacture, or sale of any alcoholic beverage is prohibited **on the campus**. The illegal or unauthorized use, possession, distribution, manufacture, or sale of any controlled substance or drugs is prohibited on the campus, which includes any product manufactured with an illegal amount of THC. The possession or display of drug paraphernalia, alcohol “trophies,” or other form of empty alcohol containers, is prohibited on campus.
2. The use, possession, distribution, manufacture or sale of any alcoholic beverage, illegal drug and the illegal or unauthorized use, possession, distribution, manufacture or sale of a controlled substance, including any product manufactured with any amount of THC, is prohibited by individual students, recognized student organizations and athletic teams when in **travel status representing the University**.
 1. Alcohol may not be transported in vehicles that are utilized to conduct organization or university business. This includes, but is not limited to state fleet vehicles, rental or personal vehicles transporting students to a university or organization sanctioned event and/or rental or personal vehicles that will be reimbursed for mileage by organizations or the university.
 2. Alcohol may not be brought into, stored or consumed in the lodging facilities used by students, regardless of age, when on travel status.
3. For purposes of the National/International **Student Exchange, Study Abroad and Eurospring Programs**, the unlawful use, possession, distribution, manufacture or sale of any alcoholic beverage, illegal drug, and the illegal or unauthorized use, possession, distribution, manufacture or sale of a controlled substance will be determined by the law of the foreign state or country. Students are expected to comply with the laws of the foreign country. The standard applicable during travel status is to accommodate the educational aspect of exploring customs of culture of foreign countries.

4. The use, possession, distribution, manufacture or sale of any alcoholic beverage or illegal drug and the illegal or unauthorized use, possession, distribution, manufacture or sale of a controlled substance, including any product manufactured with any amount of THC, by MSUM students is prohibited at all **off-campus university recognized student events**.
5. As members of the University community, students who live or visit **off-campus** are expected to behave responsibly when off-campus. Students violating civil or criminal law may be subject to University conduct procedures for the same conduct when the conduct occurs off campus but adversely affects the educational, research, or service functions of the University. Students should be aware that unlawful use, possession, distribution, manufacture or sale of any alcoholic beverage, illegal drug, or drug paraphernalia and the illegal or unauthorized use, possession, distribution, manufacture or sale of a controlled substance cited by local law enforcement may be reported to the University. **If reported, the University will take appropriate disciplinary action under this policy.**
6. The following **advertising and promotional** activities are prohibited:
 - a. Using alcoholic beverages as awards or prizes in connection with university sponsored student events;
 - b. Alcohol promotional activities and advertising associated with university sponsored student events; (this includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising);
 - c. Advertising of alcohol or illegal drugs appearing in university controlled or affiliated spaces, publications including university affiliated web sites over which it has editorial control.

The University does not regulate content or advertisements in autonomous student-edited publications, such as student newspapers, but encourages the editorship to not include advertising that promotes the high-risk use of alcohol such as happy hour drink specials, two for ones or other advertisements that encourage rapid and excessive consumption of alcohol.

Exceptions:

For instructional purposes in authorized laboratory and classroom instruction or experiments (accordance with MNSCU Board Policy 5.18) For one-time use of alcoholic beverages at specific University events when authorized by the President (in accordance with MNSCU Board Policy 5.18)

A **Good Samaritan exception** for violations of the alcohol/other drug policy will be recognized and honored. A student, who may be in violation of the alcohol/other drug policies but comes to the aid of another student by seeking professional help, will not be cited for an alcohol/other drug university conduct violation. This exception will not be granted to those who flagrantly or repeatedly violate the University's Alcohol and Other Drug Policy.

For legal and responsible* use of alcoholic beverages by students in travel status while attending events, such as banquets, when the use of alcohol has been approved by the sponsoring organization and where properly licensed Third Party Vendors provide sales of alcohol, which are staffed only by the employees of the host site or the Third Party Vendor. Students who legally consume are prohibited from operating vehicles following consumption.

Further restrictions or allowances of legal and responsible* use of alcohol may be applied to students or student groups on travel status based on the specific program's needs and direction of the faculty or staff supervisors/advisors.

*Non-responsible use is defined as behavior that disrupts the University community, endangers the health or safety of self or others, results in damage to University or personal property, or

requires the intervention of University or community resources. Examples of non-responsible use includes but is not limited to disorderly conduct, excessive noise, violence, threats, vandalism, or intoxication that leads to intervention by University personnel, law enforcement personnel, or medical personnel.

Sanctions for individuals in violation of the policies on alcohol & other drugs:

The University reserves the right, based on the severity of the incident, to automatically refer a student to a higher level (i.e. a student's first violation may result in Level Two or Level Three). Parental notification, in accordance with the University's FERPA Policy § IV (A)(5), may occur. At the discretion of the hearing officer, a student may be assigned a combination of disciplinary sanctions as defined in this policy and the Student Conduct Code. Students who fail to follow the policy procedures will be subject to a registration and grade hold and may face separation from the university. The following sanctions accumulate during a student's college career.

Level One: Students will receive a written warning and will complete an online education program. Student will also complete an assessment and educational session with the Chemical Health Educator. There will be a mandatory fee of \$100.00, which will appear on the MSUM billing statement.

Level Two: Students will be placed on university disciplinary probation and will meet with the Chemical Health Educator to determine the appropriate level of intervention. Intervention could be individual or group setting. The mandatory fee is \$200.00, which will appear on the MSUM billing statement.

Level Three: A student with a severe violation or a third violation of the Alcohol and Drug Policy during his or her college career is subject to a minimum of one semester suspension from the university unless extraordinary circumstances exist. Upon re-admission following a suspension, any further alcohol or drug violation may result in expulsion from the University.

The University reserves the right to waive suspension in the event that the student agrees to a referral to a licensed treatment facility for assessment and follows all recommendations. Any costs will be the responsibility of the student. The Chemical Health Educator may assist the student in facilitating the process.

Sanctions for organizations in violation of the policies on alcohol & other drugs:

Organizations found in violation of the alcohol and other drug policy may be prohibited from conducting social functions and solicitation and acceptance of new members, and university recognition may be on probation. Sanctions will be educational in nature and last for a duration of time determined by the sanctioning body or University official. The University reserves the right to suspend or revoke university recognition of the organization.

Based on the severity of the incident or in the case of multiple violations for the alcohol and other drug policy, university recognition will be suspended for a period of no less than three years. The University reserves the right to revoke university recognition of the organization. In addition to the university's Student Alcohol and Other Drug Policy, departments and student organizations may have established rules that are more restrictive and indicate additional sanctions for violations. Sanctions may include action such as suspension from an activity, a team, or organization.

Rationale:

Minnesota State University Moorhead complies with and supports the Minnesota State Colleges and University Board of Trustees policy governing alcohol and other drugs on campus, the Drug Free Schools and Community Act, the Drug Free Workplace Act, the Campus Security Act and Minnesota State law.

MSUM Residence Hall Policies related to Alcohol and Other Drugs

Alcohol and Other Drugs

In addition to the University Alcohol and Other Drug Policy, the following are specific to behaviors that occur in the residence halls:

- Knowingly being in the presence of any form of alcoholic beverage, non-alcoholic beer, drug, or controlled substance is prohibited. A student is expected to remove themselves from such situations.
- Distributing, serving, selling, hosting an event/gathering or providing access to any alcohol, other drug, or controlled substance is prohibited.
- Possession of drug paraphernalia or materials intended for drug use are prohibited.
- Odors that are evidence of drug use are prohibited in the residence halls. This includes odors emanating from a student's residence hall room, clothing, or property.

Smoking and Tobacco Use/Sale Policy

Rationale and Scope

Minnesota State University Moorhead is committed to creating a clean, safe, and healthy living, learning, and working environment for all students, employees and guests in all University facilities and any other property controlled by the University including state-owned, leased, or rented vehicles.

Policy

Smoking, tobacco use, and tobacco sales (including the use or sale of smokeless tobacco products and electronic nicotine delivery systems) are prohibited in University facilities or on any other property controlled by the University including state-owned, leased, or rented vehicles. Smoking or tobacco use is prohibited within twenty (20) feet of any entrance, exit or operable window of University facilities or of any other property controlled by the University.

Policy Exceptions

Exceptions for instructional, research, educational, cultural, ceremonial and/or artistic purposes must be approved in advance by the MSUM Director of Public Safety or designee prior to its actual use. Such use should be preceded by reasonable advance notice to the public.

Policy Enforcement

Enforcement of this policy will depend upon the cooperation of all faculty, staff and students, not only to comply with this policy, but also to encourage others to comply with the policy.

In the case of a violation, the person will be informed of the Smoking and Tobacco Use/Sale Policy. If the person continues to violate the policy, the aggrieved party should contact MSUM Public Safety who will notify the MSUM Office of Student Conduct & Resolution if the violator is a student and the MSUM Human Resources Office if the violator is a University employee.

Definitions

- **"Smoking"** means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco product or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation.
- **"Smokeless Tobacco Products"** consist of the use of snuff, chewing tobacco, smokeless pouches, or other forms of loose leaf tobacco.

- **"Electronic nicotine delivery systems"** also known as e-cigarettes or e-vaporizers are battery-operated devices that are used to inhale an aerosol containing nicotine, flavorings, and other chemicals.
- **"Indoor Area"** means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes [wall space] constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard window screen is not a wall.

Policy on Alcohol and Other Drug Use by Employees of Minnesota State University of Moorhead

Purpose

The purpose of this policy is to set forth the University's policy regarding alcohol and other drug use, including unlawful drug use or abuse in the workplace in accordance with the Drug Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D, and Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

Non-Discrimination

The University's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse that prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

Consequence of Violations

Violations of this policy may constitute just-cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved

Prohibitions:

- A. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making or safety.
- B. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the University/State while under the influence of alcohol, marijuana, controlled substances, or other mood altering drugs. Such employee is under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use, or drive University/State equipment.
- C. During work hours or while on the University/State's premises, no employee shall use, sell, possess, or transfer alcoholic beverages, with the following exceptions:
 - Consumption, possession, sales, or purchase of alcohol when authorized by a Commissioner under separate statutory or executive agency authority.
 - Possession of alcohol while being transported in a University/State vehicle in compliance with applicable statutory requirements.
 - Possession of alcohol while in an employee's personal vehicle on the University/State's premises in compliance with applicable statutory requirements.

Additionally, employees shall not participate in these activities during rest breaks or during

overtime work.

- D. Engaging in off-duty sale, purchase, transfer, use, or possession of illegal drugs or controlled substances which may have a negative effect on an employee's ability to perform his/her work for the University/State. In such circumstances, the employee is subject to discipline.
- E. When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in III (D) above, the employee is under an affirmative duty to notify the appropriate supervisor of his/her temporary inability to perform the job duties of his/her position.
- F. Supervisors shall notify the Director of Human Resources before notifying the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession at work or on University premises. Where appropriate, the University shall also notify licensing boards.
- G. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the University/State. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the University/ State's business, any employee whose condition or behavior adversely affects his/her work performance shall be subject to possible discipline, up to and including discharge.

LifeMatters EAP

The University/State has in place a formal LifeMatters program to assist employees in addressing problems such as alcohol or drug abuse. The University recognizes that the misuse and abuse of alcohol and other chemicals is a serious health problem affecting every aspect of human life. Employees who may have an alcohol or other drug abuse problems are encouraged to seek a professional assessment from the LifeMatters Program before the problem affects their employment status. Participation in this program is voluntary and confidential, except as may be required to pursuant to Public Law 100-690, Title V, Subtitle D. The University's LifeMatters EAP is handled through the Minnesota State LifeMatters Program Counseling Services. The telephone number is: 1-800-657-3719 (toll-free) or online at <http://www.mylifematters.com>

Some Community Resources (verify if participating in your health plan before use):

Prairie St. Johns, Fargo, 476-7200
Share House, Fargo, 282-6561
Drake Counseling, Fargo, 293-5429
First Step Recovery, Fargo, 293-3384
Clay County Social Services, Moorhead, 299-5200
Lakes Counseling, Detroit Lakes 847-0696
Otter Tail County Human Services, 998-8230
Red River Counseling, Moorhead, 227-0338
Village Family Service Center, 451-4900
Lakeland Mental Health, 233-7524

Data Disclosure

Disclosure of information regarding employee alcohol and drug use in the workplace must be consistent with applicable collective bargaining agreements and law. Questions in this area should be directed to the Employment and Labor Law Section of the Attorney General's Office or to the Department of Employee Relations, Labor-Relations Bureau, State of MN.

Federal Grant Employees

Each employee engaged in the performance of work on federal grants or contracts is required to notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to comply may result in disciplinary action.

Drug/Alcohol Testing

Any alcohol and/or other drug testing undertaken by the University shall be in accordance with Minnesota Statutes 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act.

Effective Date

This Policy on Alcohol and Other Drug Use in the Workplace shall be in full force and effect beginning March 18, 1989.

Definitions

“Work-related alcohol and other drug abuse” is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.

“Adversely affects work performance” and **“under the influence”** shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reaction, responses, or effort; if the employee’s condition threatens the safety of him/herself or others; or if employee’s condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public’s perception of the University/State as an employer as determined by the supervisor or manager or others observing the employee. “Controlled substances” and “alter” means changed behavior that may limit an employee’s ability to safely and efficiently perform his/her job duties or poses a threat to the safety of the employee or others.

SECTION 5: Policy Enforcement and Disciplinary Process Referrals (students only)

There are three primary venues on campus that enforce policies and laws regarding alcohol and other drug use and abuse on campus: the Public Safety Department, Housing and Residential Life, and the Office of Student Conduct and Resolution. In addition, the Office of Students Activities assesses sanctions to student organizations in violations of University Alcohol and Other Drug Policy. The Department of Human Resources addresses any matters involving employees. Data from those offices are listed below.

The Public Safety Department

The Public Safety Department is staffed 24/7/365, both in the dispatch center and the patrol function of the Department. The department is staffed by a Director, Operations Coordinator, Office Administrative Assistant, Patrol Operations Lieutenant, 5 Public Safety Sergeants, approximately 8 student public safety officers and 8 student dispatchers. The Department is a full-service Public Safety Department providing services and front-line enforcement to the campus community. The Department provides proactive preventive patrols of the MSUM campus areas and buildings, including residence halls, and parking lots as well as providing parking and security services to Minnesota State Community and Technical College (M State) located south of the MSUM main campus.

Public Safety staff refer alcohol and other drug violations by students to the Office of Student Conduct and Resolution. Alcohol and other drug violations are included in the Campus Crime Report/Clery Report, found here: <https://www.mnstate.edu/student-life/public-safety/campus-reports/>

Housing and Residential Life

Housing and Residential Life trains approximately 50 Resident Assistants each year who provide front line enforcement of community standards, including but not limited, to alcohol and other drug policies, for population of approximately 1,500 resident students. Each resident is informed through floor meetings, active programming, and passive programming of the alcohol and other drug policies. In addition, students are encouraged to review the student code of conduct as it relates to alcohol and other drug policies.

Policy	2020-2021 Referrals	2021-2022 Referrals
Knowingly in the Presence	8	14
Distributing and Hosting	0	11
Drug Paraphernalia	1	0
Odors of Use	6	13

The Office of Student Conduct and Resolution

The Office of Student Conduct and Resolution receives referrals from on campus departments as well as off campus law enforcement agencies in the community: Moorhead, Clay County, Fargo (ND), and West Fargo (ND). The Office of Student Conduct and Resolution meets with students based on referrals in relation to the University Alcohol and Other Drug Policy. Through the campus disciplinary process, the hearing officer provides a brief intervention with each student and encourages personal growth through reflections of choices made and risk-reduction in future choices.

- On campus referrals are included in the Campus Crime Report, noted above.
- During the Fall 2020 and Spring 2021 semesters, 3 students were referred from off campus incidents involving alcohol and other drugs.
- During the Fall 2021 and Spring 2022 semesters, 0 students were referred from off campus incidents involving alcohol and other drugs. It is noteworthy to point out that the local law

enforcement approach included limited contact with folks due to the continued concern for the spread of COVID-19 as well as limited staffing to address large social gatherings.

Substance Abuse Intervention Services:

Any student who is found responsible for violating the MSUM Alcohol and Other Drug (AOD) policy is referred to Hendrix Clinic and Counseling Center for assessment, education, brief intervention, and/or referral services provided by a dually licensed staff member. Every student found responsible for a Level 1 AOD policy violation is required to complete an Under the Influence or Marijuana 101 online education course provided by 3rd Millennium and attend one follow up assessment and brief intervention session. Students found responsible for a Level 2 AOD policy violation attend two or more education and brief intervention sessions, dependent on need. Students who are found responsible for a Level 3 AOD policy violation are required to attend a referral session. All sessions incorporate a combination of cognitive-behavioral skills with norms clarification and motivation enhancement strategies.

In addition, students can either refer themselves for substance use services or be referred by MSUM faculty/ staff or by other community professionals.

Specific substance abuse intervention utilization data for the 2020-21 and 2021-22 academics years are shown below:

Level/Referral	2020-21	2021-22
Level 1	23	24
Level 2	0	1
Level 3	1	0
AOD Policy Other	0	14
Self- Referral	3	2
Other-Referral	0	0

Outcome reports for students required to take the Under the Influence or Marijuana 101 course, as generated by 3rd Millennium, are summarized in section 6 of this report.

The Office of Student Activities

The Office of Student Activities receives and processes reports regarding student organizations referrals of alcohol and other drug use and abuse.

SECTION 6: Review Process

College Health Survey Data/Indicators

Since 2008 MSUM has participated in the Minnesota College Health Student Survey conducted by Boynton Health Services, University of Minnesota. Analysis of a 10-year summary of CORE Survey results demonstrated reduced numbers of students who use any amount of alcohol, who drink underage, and who use marijuana. However, while we have seen reductions, our numbers still exceed the national average.

We are currently using the Minnesota College Health Student Survey conducted by Boynton Health Services, University of Minnesota, as of 2008. This survey shows that within the past year, while our student alcohol use is lower than the national average, our student use of alcohol within the past 30 days is higher.

Minnesota College Health Student Survey [<https://www.mnstate.edu/aod/research-and-data.aspx>]

The university did participate in this survey during the Spring 2021 semester. The data, including historical data from the past surveys, is provided below.

Key Findings:	2013	2015	2017	2021
Alcohol use among undergraduate and graduate students:				
Past 12 months- all students	74.5%	74.2%	78.5%	75.2%
Past 30 days- all students	60.7%	56.4%	60.2%	53.6%
Past 30 days- underage students	40.6%	47.9%	55.9%	46.3%
Average number of drinks per week- all students:	3.0	2.9	2.7	2.9
High-risk drinking (5 or more drinks in past two weeks):				
All students	24.1%	23.3%	20.6%	21.1%
Underage students	17.4%	20.3%	21.5%	18.6%
Student's perception of high risk drinking by school peers:				
All students	36.0%	42.6%	40.3%	39.0%
High-risk drinkers	50.4%	50.6%	50.2%	43.1%
Non-high-risk drinkers	31.4%	39.7%	37.2%	37.7%
Average number of consequences:				
5 or fewer drinks per week	4.2	3.4	3.2	2.6
6 or more drinks per week	17.7	16.6	13.9	12.6
Non-high-risk drinkers	3.3	2.6	2.5	2.0
High-risk drinkers	16.0	15.2	12.4	11.8

	2013	2015	2017	2021
Negative consequences:				
Had a hangover	48.7%	42.3%	42.4%	37.8%
Got nauseated or vomited	31.4%	32.3%	31.5%	29.4%
Done something I later regretted	22.1%	20.6%	16.5%	14.4%
Missed a class	16.5%	13.0%	9.0%	6.1%
Got into an argument or fight	16.2%	12.9%	9.2%	6.4%
Performed poorly on a test or important project	15.7%	10.4%	7.1%	5.3%
Been criticized by someone I know	14.4%	15.2%	13.3%	11.7%
Had memory loss	14.1%	7.2%	14.1%	11.7%
Driven a car while under the influence	12.8%	10.1%	7.5%	6.1%
Been hurt or injured	5.1%	6.1%	5.8%	3.6%
Thought I might have a drinking or other drug problem	4.3%	7.1%	4.7%	5.3%
Been in trouble with police, residence halls, or other college authority	3.2%	4.6%	1.9%	2.2%
Seriously thought about suicide	3.2%	3.0%	3.2%	4.0%
Had been taken advantage of sexually	2.4%	3.2%	1.5%	1.7%
Tried unsuccessfully to stop using	1.9%	2.0%	1.3%	1.5%
Taken advantage of another sexually	0.3%	0.3%	0.4%	0.1%
Seriously tried to commit suicide	0.3%	0.6%	0.4%	0.4%
Arrested for DWI/DUI	0.0%	0.9%	0.0%	0.1%
Damaged property, pulled fire alarms, etc.	0.0%	1.2%	0.9%	0.7%
Marijuana use among undergraduate and graduate students:				
Past 12 months- all students	14.6%	19.5%	21.9%	21.0%
Past 30 days- all students	8.8%	11.3%	9.2%	10.3%
Other drug use among undergraduate and graduate students- past 12 months:				
Cocaine	0.0%	2.2%	1.2%	0.8%
Amphetamines	0.3%	0.8%	0.5%	0.3%
Sedatives	1.9%	1.3%	0.7%	0.2%
Hallucinogens	1.1%	2.4%	1.9%	1.8%
Opiates	0.3%	0.3%	0.7%	0.0%
Inhalants	0.0%	0.5%	0.5%	0.2%
Ecstasy	1.3%	2.2%	1.2%	1.0%
Steroids	0.0%	N/A	N/A	N/A
GHB/Rohypnol	0.3%	0.2%	0.2%	0.0%
Use of at least one of the above listed drugs	N/A	5.0%	3.5%	3.0%
Use of another person's ADHD medication	N/A	6.2%	3.6%	1.4%
Use of another person's medication other than ADHD	N/A	3.8%	3.6%	1.3%

Rate of Incidents

The Office of Student Conduct and Resolution, Housing and Residential Life, and the Department of Public Safety have all reported increases in the number of incidents. To some extent, the increase in socializing has shifted given the lifted restrictions that were put in place during the Fall 2020 pandemic response.

The Office of Student Conduct and Resolution works closely with Housing and Residential Life staff members who serve as hearing officers for conduct cases of alcohol and other drugs. The sanctioning for students consistently follows the prescribed levels of sanctions as defined in the University Alcohol and Other Drug Policy. Occasionally, mitigating circumstances provide for sanctioning different from those defined in the policy.

Determination for any recommended changes to the AOD program

The committee has noted the continued need for incorporating alcohol prevention and awareness early to students. The committee will continue to assess the need for education for all students through a variety of programs. The President's Sexual Violence Prevention Task Force issued a Report with Recommendations, which included the recommendation of incorporating alcohol and other drug education in sexual violence prevention work.

One educational component that has already been developed is a three-part module within DragonCentral Paths, which provides alcohol education and awareness. This path is promoted to first year students, but open to all MSUM students.

SECTION 7: Conclusion/Summary

The review of the alcohol and drug policy, related programs, services and enforcement practices for academic years 2020-2021 and 2021-2022 was conducted. It has been determined that MSUM strives to comply with the Drug Free Schools and Campuses Regulations. MSUM has an effective and consistently enforced AOD policy. Students come to assume the policy will be enforced and the stated consequences will be assigned.

The event programming from The Dragon Entertainment Group, the Office of Student Activities, and intercollegiate athletics provides numerous opportunities for students to connect at late night social activities, and the Office of Club Sports and Intramurals continues to expand opportunities, including highly regarded special events. All of which supports the overall mission of the university and the reduction in the number of student referrals for alcohol and other drug policy violations.