



Policy Name:	Student and Employee Illegal Drug and Alcohol Policy
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Last Review Date:	February 1, 2022
Approving Authority:	Board of Regents
Responsible Office:	Student Affairs & Human Resources
Category:	Student Life and Personnel

**Purpose:**

The purpose of this policy is to inform students & employees that Northwest Missouri State University enforces federal, state and local rules and laws prohibiting the illicit use of drugs and limiting alcohol on campus.

**I. Policy**

Northwest Missouri State University (“The University”) recognizes its responsibility to foster a learning environment that minimizes negative impact of high-risk alcohol use and drug use/possession on student life and academic success. The University recognizes that unlawful drug use must be prohibited and care must be taken to allow alcohol only in settings where it is responsible to do so, and to ensure that policies do not result in an atmosphere in which irresponsible or dangerous alcohol use is likely to result.

The University takes seriously the need to enforce federal, state and local rules and laws prohibiting the illicit use of drugs and limiting alcohol on campus and at University-sponsored events. In accordance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989 as well as other federal, state, and local laws, the University has adopted this anti-drug and alcohol abuse policy for its campus, employees, faculty, students and student organizations. (Faculty and staff are collectively referred to as “Employees” throughout this policy)

Annual distribution of alcohol and drug prevention materials to all students and Employees are accomplished through the Annual Security Report.

As mandated by federal regulation, the University compiles a Biennial Review of the University’s alcohol and drug policy and initiatives. It can be found at: <http://www.nwmissouri.edu/facts/pdf/AlcoholDrugReview.pdf>.

## **Drug Free University**

The University prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on University owned or controlled property, as any part of a University activity, and while doing University work. The University prohibits individuals from being under the influence of illegal drugs on University owned or controlled property or as part of a University activity.

This practice does not prohibit use of legally obtained drugs, including prescription drugs and over-the-counter drugs, while on University premises, while engaged in a University activity, or while performing University work, provided those drugs are used in accordance with the prescription by the prescription holder or with over-the-counter directions.

Such use by an Employee must not impair the Employee's ability to perform the essential functions of their job effectively and in a safe manner. An Employee using prescription or over-the-counter drugs is required to report such to their supervisor or the Office of Human Resources if it may affect the Employee's capacity to perform job duties or may create a danger to the Employee or others.

Employees must report to the University any conviction or guilty plea under a criminal drug statute for violations occurring on or off University premises. A report of conviction must be made to the Office of Human Resources within five (5) days after the conviction or guilty plea.

University policy does not recognize use of illegal drugs or abuse of other drugs as an excuse for misconduct of any kind – including violations of University policies – by Employees, students, or student organizations.

## **Use of Alcohol**

### **Responsible Use of Alcohol**

University policy also does not recognize the misuse of alcoholic beverages as an excuse for misconduct of any kind – including violations of University policies – by Employees, students, or student organizations. Emphasis is placed on the responsible use of alcohol. Responsible drinking is the use of alcohol in ways that do not negatively affect either the individual or the community and do not violate the law. Alcohol is not permitted anywhere on University property except as specified in the [University's Alcoholic Beverages on University Property Policy](#).

Other than responsible use in the context of appropriate University-related social events, Employees may not use, possess, distribute, sell or be under the influence of alcohol while on University premises or doing University work.

### **Alcohol/Drug Testing**

To ensure an environment free of illegal drugs and irresponsible use of alcohol, the University reserves the right to require an Employee to undergo alcohol and/or drug testing (such as on urine and/or blood) as a condition of employment or continued employment at the following times:

Reasonable Suspicion. "Reasonable suspicion" exists when an Employee exhibits signs of impairment due to the use of illegal drugs and/or irresponsible use of alcohol. In such a situation, an Employee may be asked to report to a testing facility for a drug/alcohol screening.

Post-Accident. An Employee who is involved in an accident or other incident while on University business that results in injury and/or property damage may be subject to drug/alcohol screening. DOT Requirements. Employees to whom the testing rules of the Department of Transportation apply will be subject to drug/alcohol testing as required by the Department of Transportation regulations.

The University will incur the cost of the drug/alcohol screening. The following may result in disciplinary action up to and including termination of employment with the University: (1) a confirmed positive drug screening, and/or (2) a confirmed positive alcohol screening that demonstrates illegal conduct or – outside of responsible use in the context of appropriate University-related social events – alcohol use while on University premises or doing University work. Additionally, interference with or refusal to submit to a drug and/or alcohol screening will result in disciplinary action up to and including termination of employment with the University. Two or more diluted or adulterated samples, without a medical explanation, will be deemed interference.

The University reserves the right to inspect or search University vehicles, desks, and/or other University property at any time. Refusal to cooperate will subject the Employee to disciplinary action up to and including termination of employment from the University. A confirmed positive drug and/or alcohol screening (regardless of responsible use of alcohol) or any other violation of this policy may also influence an Employee's workers' compensation and/or unemployment compensation benefits.

## **Potential University Sanctions**

Any Employee, student, or student organization found to be in violation of this policy will be subject to appropriate disciplinary action pursuant to University policies and consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, suspension from or termination of employment or academic program, and expulsion from the University. Sanctions will be determined pursuant to applicable Employee, faculty, student, or student organization procedures. In addition, violators may be referred to appropriate law enforcement authorities for prosecution.

## **Drug Convictions and Student Financial Aid Eligibility**

Under federal regulations, students convicted for a drug offense that occurred during a period of enrollment while they were receiving Title IV Federal Student (Financial) Aid, lose eligibility for that aid. Federal Student Aid includes grants, loans, and work assistance otherwise provided to eligible college students under Title IV of the Higher Education Act. The period of non-eligibility begins on the date of the conviction and remains in effect until the student has met certain rehabilitation requirements.

The prohibition on federal aid applies to any student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance as defined by Section 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)). Laws regulating distilled spirits, wine, and malt beverages are not included within the definition of "controlled substance."

Other financial aid programs, including certain state programs, may also limit eligibility for students convicted of a drug offense.

## **Parental Notification**

It is not the intent of the University to institute a policy of parent notification for every incident involving student use of alcohol or other controlled substances. Rather, student affairs personnel will use these guidelines to intercede in situations where alcohol and drug abuse has led to situations which threaten the health or safety of individual students, has contributed to significant deterioration of the living- learning community, or has interfered with a University sponsored activity or event.

Examples of incidences in which parents could be notified include intoxication or impairment which was deemed to be health threatening, fighting, harassment, or property damage which can be linked to excessive drinking or drug use. Evidence of recurring patterns of alcohol or drug related violations, residence hall violations, and/or other violations of the University's judicial code may also result in parent notification.

## **Federal, State, and Local Alcohol and Drug Laws**

### **Federal Law**

Federal law provides strict penalties for violation of federal drug laws. For a first conviction of illegal possession of a controlled substance, a person may be imprisoned for up to one year and/or fined at least \$1,000 but not more than \$100,000; after two or more prior convictions the penalty increases to at least 90 days in jail but not more than three years and/or a fine of at least \$5,000 but not more than \$250,000. Federal trafficking penalties for controlled substances (such as marijuana, heroin, cocaine, PCP and LSD) range from less than five years in prison and/or a fine of less than \$250,000 to life imprisonment and/or a fine of up to \$8 million (for an individual). Other penalties may apply, such as forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance, denial of certain federal benefits, and revocation of certain federal licenses.

Certain federal laws may apply to unlawful manufacture, possession, and trafficking of alcohol as well. Penalties range from fines to prison terms.

### **State and Local Law**

Missouri law and local law also provide penalties for violations of laws relating to the unlawful manufacture, sale, use or possession of controlled (and/or imitation of) controlled substances and alcohol. In addition, Missouri and localities have laws relating to underage drinking, driving while intoxicated or under the influence of alcohol and/or illicit drugs. Sanctions for violations may range from local citation to state law felonies. Penalties may range from small fines to prison terms, depending on the violation and past criminal history of the individual.

### **Further Information**

Further information on these laws and penalties is available at <http://www.moga.mo.gov/mostatutes/chaptersIndex/ChaptIndex631.html>.

## **Health and Safety Risks of Drug and Alcohol Use**

### **Alcohol Health and Safety Risks**

Alcohol use carries several risks. These include drinking/driving accidents, increased incidents of rape and assault, academic problems, police involvement, medical problems including alcohol abuse and dependence and fetal alcohol syndrome, and fatalities.

### **Substance Abuse Health and Safety Risks**

Substance abuse may result in a wide array of serious health and behavioral problems. Substance abuse has both long and short-term effects on the body and the mind. These effects may include toxicity, HIV infection with intravenous drug use, heart attack, stroke, sudden death, pregnancy complications, birth complications and defects, physical and psychological dependence, withdrawal, disruption of normal heart rhythm, high blood pressure, stroke, bleeding and destruction of brain cells, memory loss, depression, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, and neurological and pulmonary damage.

### **Further Information**

Further information on these laws and penalties is available at <http://www.nwmissouri.edu/facts/pdf/AlcoholDrugReview.pdf>.

## **University and Community Resources and Referral Information**

Northwest Missouri State University provides counseling services for students and Employees seeking assistance or information concerning alcohol and drug issues. Students wishing to take advantage of this service may contact the University.

Wellness Services at (660) 562-1348 and Employees wishing to take advantage of this service may contact the <http://www.guidanceresources.com>.

In addition, other resources are available. Several self-help groups hold meetings throughout the area, including Alcoholics Anonymous, Narcotics Anonymous, and Al-Anon. Individuals can contact the National Clearinghouse for Drug and Alcohol Information (800-729-6686), which is operated by the U.S. Department of Health and Human Services and staffed 24 hours a day, 7 days a week; specialists provide information and referrals.

For further information and help with these issues, please visit <http://www.nubeginning.org/>.