DRUG & ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)

UNIVERSITY OF JAMESTOWN MISSION STATEMENT:

“We are a community dedicated to the development of wholeness in our students through adherence to a curriculum of academic excellence which balances the ideals of the liberal arts tradition and sound professional preparation, within a Christian atmosphere of self-discipline, responsibility, and concern for continuing growth of the individual.”

To further the goals of our mission statement, the University of Jamestown complies with and supports the Drug Free Workplace Act of 1988 and the 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) 34 C.F.R. Part 86, that requires each participating institution of higher education (IHE) that receives Federal education funding to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities. An IHE, such as the University of Jamestown, must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff, at a minimum, on an annual basis. The annual notification must include the following:

1. Standards of conduct that prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the University’s property or as part of the University’s activities.
2. A list of applicable legal sanctions imposed under Federal, State, and local laws for the unlawful possession or distribution of illicit drugs and alcohol.
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry programs) that are available to employees and students.
5. A clear statement that the IHE (University of Jamestown) will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.

In accordance with the 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) part 86 (Drug Free Schools and Campus Regulations), each year the University of Jamestown attempts to ensure that every student and employee (faculty and staff) is informed about University of Jamestown alcohol and other drug policies. All University of Jamestown policy and procedures can be found on the University website under the respective sections for employees and students.

CAMPUS POLICY:
The University of Jamestown prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations.

University of Jamestown students and employees are required to abide by all federal, state, and local laws.

Medical Amnesty Laws: The University of Jamestown respects and abides by the medical amnesty laws for drug and alcohol related emergencies under North Dakota Century Codes 05-01-08(6) and 19-03.1-23.4 as stated below:

**5-01-08. Individuals under twenty-one years of age prohibited from using alcoholic beverages or entering licensed premises - Penalty.**

6. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five individuals.

**19-03.1-23.4. Overdose prevention and immunity.**

An individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3, 19-03.1-22.5, subsection 8 of section 19-03.1-23, subsection 3 of section 19-03.2-03, and section 19-03.4-03 if in good faith that individual seeks medical assistance for another individual 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 the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and is in need of emergency medical assistance nor the cooperating individual seeking medical assistance may be charged or prosecuted for the criminal offenses listed in this section or for the sharing of controlled substances among those present. Immunity from prosecution under this section does not apply unless the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search.

_Employee Alcohol and Drug Policy:_

The University Alcohol and Drug Policy (stated below) along with the sanctions can be found in Section 702 of the Employee Handbook, which is located on the University website at the following address: [https://www.uj.edu/pdfs/staff-handbook](https://www.uj.edu/pdfs/staff-handbook)

702 Drug and Alcohol Use
Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illicit drug or alcohol while in the work place, while on duty, or while operating a vehicle or equipment owned or leased by the University.

Possessing, distributing, transferring, purchasing, selling, using, or being under the influence of alcoholic beverages or illegal drugs while on the University's property, while on duty, or while operating a vehicle or machine leased or owned by the University may also lead to disciplinary action, including suspension without pay or discharge.

Drug-Free Workplace Compliance Policy: Illegal drugs in the workplace are a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work that we do. We will not tolerate the illegal use of drugs. Under the federal Drug-Free Workplace Act, in order for this University to be considered a "responsible source" for the award of federal contracts, we have developed the following policy:

Effective immediately, any location at which University business is conducted, whether at this or any other site, is declared to be a drug-free workplace. This means:

All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. The following is a partial list of controlled substances. Personnel can be provided a complete listing and explanation of controlled substances.

Narcotics (heroin, morphine, etc.)
Cannabis (marijuana, hashish)
Stimulants (cocaine, diet pills, etc.)
Depressants (tranquilizers)
Hallucinogens (PCP, LSD, "designer drugs", etc.)

Any employee violating the above policy is subject to discipline, up to and including discharge, for the first offense.

Employees have the right to know the dangers of drug abuse in the workplace, the University's policy about them, and what help is available to combat drug problems. This document spells out the University's policy. We will institute an education program for all employees on the dangers of drug abuse in the workplace. To assist employees in overcoming drug abuse problems, the University may offer the following help:

* Medical benefits for substance-abuse treatment
* Information about community resources for assessment and treatment
* Counseling program
* Employee assistance program

In addition, the University will provide supervisory training to assist in identifying and addressing illegal drug use by employees.
Any employee convicted of violating a criminal drug statute in this workplace must inform the University of such a conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the University subjects the employee to disciplinary action, up to and including discharge for the first offense. By law, the University will notify the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The University reserves the right to offer employees convicted of violating a criminal drug statute in the workplace, participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

All employees are asked to acknowledge that they have read the above policy and agree to abide by it in all respects. By law, this acknowledgement and agreement are required of you as a condition of continued employment.

Please refer any questions on the above policy to your supervisor or the personnel department.

The University recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact your supervisor for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the problem substance while on leave, abides by all organization policies, rules, and prohibitions relating to conduct in the work place, and if the University suffers no "undue hardship" as a consequence of granting the leave.

**Student Alcohol and Drug Policy:**

The University Alcohol and Drug Policy is stated below and can also found in the Student Handbook (on pages 32-32). The sanctions for violating the University Alcohol and Drug Policy can be found in the Student Handbook (on pages 55-62). The Student Handbook is located on the University website at the following address: [https://www.uj.edu/pdfs/student-handbook](https://www.uj.edu/pdfs/student-handbook)

**Illegal Drug Policy**

The use of illegal drugs or the unauthorized use of legal drugs is potentially harmful, physically and mentally, and often interferes with the user’s ability to function adequately in his or her academic and social life. Also, misuse of drugs often infringes upon the social and academic rights of others. Therefore the use, possession, presence, sale and/or distribution of illegal drugs (those specified as illegal by federal, state and local laws), the unauthorized use of legal drugs and/or drug paraphernalia on-campus and off-campus can lead to disciplinary and/or criminal action.

Special efforts are made to keep drugs off the campus by preventing the distribution or sale of illegal drugs on campus. Whether or not criminal charges are brought, all students are subject to University discipline for illegally manufacturing, distributing, possessing, or using any controlled substance or drug paraphernalia on University property or at University-sponsored functions. Violation of the University
drug policy is considered a serious breach of student conduct. Violation of this policy shall result in stern disciplinary action, which may include suspension or expulsion for the first offense.

Students residing on campus are responsible for any drugs or drug paraphernalia found in their room or use of drugs or drug paraphernalia in their room, whether or not they are present at the time the violation is determined.

Concerns or questions involving drugs or narcotics should be directed to the Dean. In cases where there is reason to believe there is possession or use of illegal drugs -other than alcohol, the Jamestown Police Department will be called to investigate.

Alcohol Policy:

On-campus possession and consumption of alcoholic beverages is prohibited in all indoor and outdoor areas, regardless of age. This includes empty bottles or containers for decoration or recycling purposes. Posters, boxes, signs, and other items advertising alcohol are prohibited in public areas. This includes lighted signs in windows and posters on the outside of any door. Alcohol is prohibited at official University student functions (i.e., sporting events, dances, etc.), and the student assumes a risk when they choose to have or use alcohol on campus. In most cases the Jamestown Police Department will be contacted if persons using or in possession of alcohol on campus are not University of Jamestown students. The Jamestown Police Department will always be called when the individuals are under 18 years of age. Alcohol related games or activities, including but not limited to beer pong, even when alcohol is not present, consumed, or utilized, is prohibited.

In an effort to protect students’ rights and their environment, students visibly intoxicated on campus will be considered in violation of the campus alcohol policy. The following are some of the criteria that will be used in determining whether a student will be cited for public intoxication: passing out, public vomiting, needing assistance in finding his/her room, inability to stand, noticeably smelling of alcohol, slurred speech, and urinating in public. The student will be referred to the University judicial process for violation of the campus alcohol policy. The criteria for public intoxication listed is a guideline for the staff, but is not limited to the criteria listed. In addition, any student reported as intoxicated on campus may meet with the Dean or their designee for possible referral for an alcohol evaluation and counseling.

Guests in a room where alcohol is present will be considered in violation of the campus alcohol policy. All students in violation of the alcohol policy will be notified by the Dean.

Room residents are always in violation of the alcohol policy if they are in their room and evidence of alcohol is present. Residents not present may or may not be considered in violation depending on the circumstances of the incident.

All persons in a room where alcohol or empty containers, including but not limited to cans, bottles, kegs, or bottle caps are present will be considered in violation of the alcohol policy, as will persons in a vehicle on campus where alcohol is found. In cases where excessive numbers of students or excessive amounts of alcohol are present additional disciplinary action may be taken by the Dean.

Common sources of alcohol or devices that promote irresponsible drinking (including, but not limited to kegs, beer or party balls, funnels, bongs, beer pong tables, etc.) are not permitted in the residence halls.

Each student is responsible for what happens in his or her assigned residence room. If a room is left unlocked and a violation occurs, the resident(s) of the room may also face disciplinary action. All students are encouraged to lock their doors for the safety of their possessions and to prevent unnecessary involvement in disciplinary sanctions.

The Athletic Director will be notified of all athletes who violate the university alcohol policy on- or off-campus.
Parents may be notified if the student is under 21 and/or the alcohol violations are considered serious enough to potentially interfere with the student’s success.

A breathalyzer may be used when several students are in a room and alcohol is present. Upon request of the student, the residence hall staff will ask campus safety to come to the room and confirm that the students have or have not been drinking. Upon confirmation, those students who have not been drinking would be subject to a $25 fine rather than the $65 fine. This option is available only to guests in the room.

Inherent Authority:

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community to enforce the Code of Student Conduct both on and off the University premises. Students have the responsibility to conduct themselves in a manner that demonstrates their respect for the rights of others. Also, individuals engaging in activities off-campus have a responsibility to conduct such activities within the laws and ordinances of the community. Violations of University policies off-campus may be considered a violation of the University of Jamestown’s Standards of Conduct where such violation interferes with the mission of the University and presents a danger to the health, safety and wellbeing of others. For example, students accused of violating a federal, state and/or local drug laws on or off-campus which is considered a felony under federal, state or local law, may face action under the University Code of Conduct, including interim suspension pending a University hearing, prior to or concurrent with any criminal proceeding. Violations of Law and Student Conduct Regulations Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this Code. Student conduct proceedings at the University will normally proceed while criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Violations of Law and Student Conduct Regulations:

Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this Code. Student conduct proceedings at the University will normally proceed while criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

**LEGAL SANCTIONS:**

A student or employee who violates their respective University of Jamestown Alcohol and Drug Policy is subject to both the campus sanctions and to criminal sanctions provided by federal, state, and local law.

The following website address is a link to the Alcohol Policy Information System (APIS), which provides detailed information on a wide variety of alcohol-related policies in the United States at both State and Federal levels. Detailed state-by-state information is available for the 35 alcohol-related policies. **http://alcoholpolicy.niaaa.nih.gov/**.

**Federal Laws:**

Federal law provides criminal and civil penalties for unlawful possession or distribution of drugs or alcohol. Penalties can range from incarceration and/or fines. Details related to federal trafficking penalties for controlled substance violations are available from the Drug Enforcement Agency (DEA) at the following website address: **https://www.dea.gov/druginfo/ftp3.shtml**.
_State Laws:_
Individuals in the state of North Dakota must be 21 years of age to buy, possess and/or consume alcohol. The following are Class B Misdemeanors punishable by up to 30 days in jail and a $500 fine: (1) purchasing or attempting to purchase alcohol if you are under the age of 21; (2) using a fake ID to purchase alcohol; (3) possessing or consuming alcohol under the age of 21; (4) entering a liquor establishment under the age of 21. Any individual knowingly delivering alcoholic beverages to an individual under the age of twenty-one is guilty of a Class A Misdemeanor. It is illegal to drink and drive under the influence. Driving under the influence Blood Alcohol Levels are .08 for adults and .02 for minors. North Dakota laws on alcoholic beverages can be found in the North Dakota Century Code in Chapter 5, Section 01 at the following website: http://www.legis.nd.gov/cencode/t05c01.pdf.

North Dakota has adopted the Uniform Controlled Substances Act, which restricts the manufacture, transfer and possession of narcotic drugs and other drugs that have a potential for abuse or that may lead to physical or psychological dependence. Specific information on North Dakota laws on drugs can be found in Chapter 19, Section 03.1 of the North Dakota Century Code at the following website address: http://www.legis.nd.gov/cencode/t19c03-1.pdf. The penalty code for individuals found guilty of violating the Uniform Controlled Substances Act can be found in Chapter 12.1, Section 32 of the North Dakota Century Code at the following website address: http://www.legis.nd.gov/cencode/t12-1c32.pdf?

_A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in the state of North Dakota while under the influence of intoxicating liquor or any other drugs or substances. The regulation governing operators can be found in the North Dakota Century Code in Chapter 39, Section 08-01 at the following website address: http://www.legis.nd.gov/cencode/t39c08.pdf._

_Local Laws (Jamestown, North Dakota):_
The local laws for the city of Jamestown, North Dakota regarding alcohol can be found in Chapter 5 of the City of Jamestown Municipal Code at the following website address: http://www.jamestownnd.org/government/municipal-code.

An ordinance (Ordinance No. 1409) amending Chapter 21 of the Code of the City of Jamestown, North Dakota by amending Section 21-04-06 which sets forth regulations governing persons operating a motor vehicle under the influence of intoxicating liquor, drugs or other substances in the City of Jamestown can be found at the following website address: http://www.jamestownnd.org/files/public_notices/Ord%20No.%201409%20DUI.pdf

_Financial Aid Eligibility:_
The Higher Education Opportunity Act (HEOA) requires all institutions of higher education to provide enrolled students information on the penalties associated with drug-related offenses. A student who has been convicted under Federal or State law of possession or sale of a controlled substance, during a period of enrollment for which the student was receiving Title IV aid (Federal Pell Grant, Supplemental Education Opportunities Grant, Direct Subsidized or Unsubsidized Loan, Direct PLUS loan, Perkins Loan or Federal Work Study), is ineligible for Title IV aid. The periods of ineligibility, which begin as of the date of the conviction, are as follows:
If convicted of an offense involving the possession of a controlled substance, the ineligibility period is:
- First offense ............................ 1 year
- Second offense .......................... 2 years
• Third offense.......................... Indefinite

If convicted of an offense involving the sale of a controlled substance, the ineligibility period is:
• First offense ......................... 2 years
• Second offense ....................... Indefinite

If the student was convicted of both possessing and selling a controlled substance, and the periods of ineligibility are different, the student will be ineligible for the longer period. If a student is convicted of possessing or selling a controlled substance, s/he must notify the financial aid office immediately. If the student has received Title IV aid, s/he must pay back all of the Title IV aid received following his or her conviction.

The University of Jamestown’s values and guidelines are meant to establish a safe and healthy environment for all students to grow and develop. Incumbent upon each University of Jamestown student is the responsibility to uphold and conduct themselves in accordance with these values and guidelines to effectively contribute to the educational effectiveness of the university.

HEALTH RISKS OF ALCOHOL AND OTHER DRUGS:

There are many known health risks associated with the consumption of alcohol and the use of drugs. These health risks range from decreased reaction time and motor coordination that may cause car accidents to cirrhosis of the liver, heart attacks, cancer, depression, and even death. The following web address links contain more information regarding alcohol and drug abuse.

https://www.drugabuse.gov/drugs-abuse
https://www.niaaa.nih.gov/alcohol-health/alkohols-effects-body
http://rethinkingdrinking.niaaa.nih.gov/

WHERE TO GET HELP:

On Campus:
  1) Counseling Office: 701-253-4104 (On Campus Dial x4104)
  2) Vice President of Academic Affairs: 701-252-3467 Ext. 5614
  3) Human Resources: 701-252-3467 Ext. 5566

Off Campus:
  1) Central Valley Health Unit: 701-252-8130
  2) South Central Human Service Center: Regular Hours – 701-253-6300
     After Hours – 701-253-6304
DISCIPLINARY SANCTIONS:

Employees Sanctions:

- Any employee convicted of violating a criminal drug statute in this workplace must inform the University of such a conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the University subjects the employee to disciplinary action, up to and including discharge for the first offense.
- By law, the University will notify the federal contracting officer within 10 days of receiving notice from an employee convicted of violating a criminal drug statute in this workplace.
- Any location at which University business is conducted, whether at this or any other site is declared to be a drug-free workplace. Any employee violating the above policy is subject to discipline, up to and including discharge, for the first offense.
- The University reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline.
- If an employee convicted of a criminal drug statute in the workplace participates in a rehabilitation or drug abuse assistance program, then the employee must satisfactorily participate in the program as a condition of continued employment.
- Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program.

Student Sanctions:

One or more of the following sanctions may be imposed on students for violations of the University of Jamestown’s Standard of Conduct policy or Alcohol and Drug policy:

- Probation
- Disciplinary Probation
- Disciplinary Reprimand – Formal Written Warning
- Loss of privileges
- Restitution
- Fines
- Suspension
- Expulsion
- Participation in Substance Abuse Education
- Participation in a Rehabilitation Program
- Cancellation of Campus Housing Contract
- Potential parental/guardianship notification for alcohol or drug violations as permitted by FERPA
- Notification to other university officials as necessary

In addition to the above sanctions, students who have violated the University of Jamestown Standard of Conduct policy or Alcohol and Drug policy will be assigned to one of three conduct categories. Each conduct category is associated with guidelines for sanctioning.