

## DRUG FREE SCHOOLS POLICY

### Purpose

The Drug Free Schools and Communities Act Amendments of 1989 requires the University of Mary to distribute annually the following information regarding the potential presence of drugs and alcohol on campus to all its students and employees.

### Statement of Policy

#### Standards of Conduct for Students

According to the judicial system and community regulations of the University of Mary, as detailed in the [University of Mary Student Handbook](#), the possession, accepted association, use, or distribution of drugs and/or alcohol by students on University of Mary property or at any University-sponsored function is strictly prohibited. The only exceptions to this are stated in the University's Alcohol Policy. Depending on the severity of the offense, violation of these university policies may result in probation, removal from campus housing, expulsion, or referral to local authorities for prosecution.

#### Standards of Conduct for Faculty and Staff

With limited exclusions for employees who may have a valid medical marijuana card, the possession, use, or distribution of drugs and/or alcohol by University of Mary faculty or staff on university property is strictly prohibited. The only exceptions to this are stated in the University's Alcohol Policy.

The applicable legal sanctions under local, state, or federal law for unlawful possession or distribution of illicit drugs and alcohol are as follows.

#### Alcohol

It shall be unlawful for persons under the age of twenty-one (21) to purchase, attempt to purchase, or be in possession of alcoholic beverages or to furnish money to a person for such a purpose. It is also unlawful for persons under the age of twenty-one (21) to enter a licensed establishment, except a restaurant, when accompanied by a parent or guardian. It is also unlawful to misrepresent or misstate a person's age in order to purchase alcoholic beverages.

Persons in violation of this section of the North Dakota Century Code are guilty of a class B misdemeanor, for which a maximum penalty of thirty days imprisonment, a fine of one thousand dollars, or both may be imposed.

Any person who knowingly delivers alcoholic beverages to a person under twenty-one (21) years old is guilty of a class A misdemeanor, for which a maximum penalty of one year imprisonment, a three thousand dollar fine, or both may be imposed.

### Drugs

Under the uniform controlled substances act of the Century Code (Title 19), the possession, use, purchase, attempted purchase, or distribution of opiates, opium derivatives, hallucinogenic substances, or prescribed or misused depressants, amphetamines, or any other controlled substance as stated in Title 19-02.1 of the North Dakota Century Code is unlawful. Persons in violation of this section of the code are guilty of a felony and, depending on the severity of the violation, may face a maximum penalty of twenty (20) years imprisonment, a twenty thousand dollar fine, or both. Arizona employees with a valid medical marijuana card issued by the Arizona Department of Health and Human Services may be permitted to have marijuana in their system but are not permitted to possess or use marijuana on any university property.

### Drug Paraphernalia

It is unlawful for a person to use, possess with intent to use, deliver, or manufacture with intent to deliver drug paraphernalia. Persons in violation of this section of code are guilty of a class A misdemeanor.

It is also illegal for persons eighteen (18) years or older to deliver drug paraphernalia to persons less than eighteen (18) years of age. Any person in violation of this section is guilty of a class C felony for which a penalty of five (5) years imprisonment, a ten thousand dollar fine, or both may be imposed. A clear definition of Drug Paraphernalia can be found in North Dakota Century Code under title 12.1-31.1-01.

### Local or Federal Law

In addition to the state laws described above, local ordinances and federal law generally provide for legal sanctions for unlawful possession or distribution of illicit drugs and alcohol.

### The Health Risks Associated with Alcohol and Drugs

Despite the initial high one feels after the first drink, alcohol is a depressant. Its active ingredient, ethanol, is a relative of ether, which puts the brain to sleep. Although moderate drinking does not affect one's health significantly, heavy drinking over an extended period of time can be harmful. It can cause serious mental disorders and permanent damage to the brain and central nervous system. Over time, the alcoholic's ability to remember, learn, and make judgments diminishes as brain cells die. Personality disorders may also develop. Alcohol abuse also affects other organs, such as the heart and liver. Drug abuse can lead to physical and psychological dependency.

Drug tolerance, when the doses required to obtain the desired effect must be increased, can happen quickly with some drugs. Accidental overdose can occur because the abuser is unaware of how much of the drug has been taken. Overdoses of some drugs can be fatal. Drug users also have lessened resistance to sickness and disease.

### Referral for Health Concerns

Any member of the university community who has a concern about the physical or mental well-being of a student should immediately contact the Director of Student Life. If the concern regards an employee, contact the Director of Human Resources.

If Campus Safety and Security is required, dial 8000 from any campus phone or 701-355-8000 from an outside phone. For any emergency where a police officer or an ambulance is needed, call 911.

### Drug Testing/Reasonable Suspicion

Any employee of the University who is reasonably suspected of being under the influence of drugs or alcohol during working hours is subject to drug testing. Refusal to permit a drug test will be interpreted as an admission of a violation of this policy and sufficient grounds for immediate termination of employment. Arizona employees with a valid medical marijuana card issued by the Arizona Department of Health and Human Services found to have marijuana in their system may be entitled to a reasonable accommodation so long as use of marijuana does not impair their ability to perform the essential functions of their job or unreasonably endanger the safety of other staff and students and is not in violation of any federal or state contract to which the University is a party.

For drug and alcohol evaluations and treatment, the University refers community members to:

CHI St. Alexius Health  
1310 East Main Avenue  
Bismarck, ND 58501  
701-530-7195

West Central Human Service Center  
600 South Second Street  
Bismarck, North Dakota 58504  
701-328-8888

### Imposition of Disciplinary Sanctions

The University of Mary will impose disciplinary sanctions on students and employees consistent with local, state, and federal law; the University of Mary [Student Handbook](#); [Employee Handbook](#); or [Teaching Faculty Resource Handbook](#). These sanctions may include expulsion or termination of employment and referral for prosecution for violations of the standards of conduct. A disciplinary sanction may also include the completion of an appropriate rehabilitation program.

### Approved

*June 2015 by the President of the University*

*August 2015 by the Board of Trustees (EC)*

*11 March 2021 revised by the Board of Trustees*

*18 March 2021 delivered to University Senate*