

<b>DIXIE STATE UNIVERSITY</b>  <b>POLICIES AND PROCEDURES MANUAL</b>	Section: <b>5-Student Services</b>
	Policy No: <b>37</b>
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Policy: <b>ALCOHOL, TOBACCO, AND OTHER DRUGS</b>	

**5-37 Alcohol, Tobacco, and Other Drugs**

I. Introduction

A. In order to establish an effective, safe, and healthy learning and working environment in compliance with the Drug-Free Schools and Communities Act Amendments of 1989, Dixie State University (DSU) maintains its commitment to an educational program designed to prevent the illicit use and the abuse of drugs and alcohol by students and employees through a proactive, positive approach designed to provide professional help with minimal loss of integrity and interruption of academic pursuits. The University also offers tobacco cessation programs.

- i. In addition to numerous state, local, and federal laws and regulations governing the use, manufacture, and possession of alcohol, tobacco, and other drugs, Dixie State University has strict policies regarding these substances and their use.
- ii. Information about the University’s standards of conduct related to alcohol and other drugs and the sanctions imposed for violations must be distributed annually to all students and employees. The information must include a description of various applicable laws regarding alcohol and other drugs, the various health risks of alcohol and drugs, and counseling and treatment programs that are available.
- iii. A student or employee charged with an alcohol or other drug violation as outlined herein will be subject to disciplinary action in accordance with University policies and jurisdictional laws. A student who is also a University employee may be subject to both student and employee disciplinary action for a single offense.

II. Alcohol and Other Drugs See also: Code of Student Rights and Responsibilities (Student Code) 5-33, and Drug-Free Workplace Policy (3-33 and 4-32)

A. All Dixie State University students, employees, and visitors are prohibited from engaging in the following activities while on or in any University premises, defined as University owned or controlled properties, building, facilities, or vehicles, including locations where a University-sanction event is being held:

- i. On-campus use, consumption, storage, possession, manufacture, distribution, or sale of any alcoholic beverage, and being legally intoxicated on campus. Students under age 21 are also

prohibited from engaging in the use, consumption, storage, possession, manufacture, distribution, or sale of alcohol off-campus. See Addendum 1.

ii. Use, consumption, storage, possession, manufacture, distribution, or sale of a controlled substance and/or of drug paraphernalia, except for legal, personal use of medications prescribed by a licensed health care provider in accordance with Utah laws. See Addenda 3 and 4.

a. Possession and use of a controlled substance is allowed only when a verifiable prescription legal under Utah laws and bearing the valid signature of a licensed health care practitioner has been issued to the individual in proprietary control of and/or using the substance. Any other possession or use is a violation of this policy.

B. The use of any University funds or the attempt to use University funds for the procurement of alcohol or illegal drugs is prohibited.

C. A DSU student convicted of an alcohol or other drug violation off-campus is considered in violation of the Student Code and may be subject to disciplinary action.

### III. Tobacco See also: Tobacco-Free Campus Policy (5-52)

A. All Dixie State University students, employees, and visitors are prohibited from engaging in the following activities while on or in any University premises, defined as University owned or controlled properties, building, facilities, or vehicles, including locations where a University-sanction event is being held:

i. Smoking, including the use or electronic cigarettes and other vaporizing devices

ii. The use, sale, or distribution of:

1. Any regulated or unregulated item containing tobacco, tobacco products, or tobacco flavoring.

2. Products designed to mimic tobacco, containing tobacco flavoring, or intended to deliver nicotine, except for products that have been approved by the U.S. Food & Drug Administration for use in treating tobacco dependency.

### IV. Reporting

A. All members of the campus community have a responsibility to report illegal and prohibited activity covered under this policy as follows:

i. Employee violations are to be reported to any supervisor, or to DSU Police when safety is involved. Employee sanctions can be found in the Drug-Free Workplace Policy (3-33 and 4-32).

ii. Student violations should be reported to DSU Police, or the Dean of Students or a designated representative. Student sanctions will be processed according to this policy, its addenda, and the Code of Student Rights and Responsibilities ("Student Code," policy 5-33)

## V. Student Sanctions

- A. Students sanctions are covered in this policy and its addenda.
- B. Student sanctions for violations of this policy may include but are not limited to:
  - i. Referral to specified DSU education and prevention programs.
  - ii. Referral to professional counseling or other treatment.
  - iii. Other sanctions that include but are not limited to disciplinary warning, probation, suspension, or expulsion as the outcome of a disciplinary action.
  - iv. Dismissal from an academic or athletic program that prohibits the unlawful use of alcohol or drugs, which could also impact scholarship eligibility for those programs.
- C. Student disciplinary sanctions for violations of alcohol, tobacco, and other drugs standards of conduct and/or laws and regulations can only be processed according to the Student Code, including provisions for due process. Student conduct violations are handled by the Dean of Students or his/her designee, with the Student Conduct Committee being convened when necessary according to the process outlined in the Student Code. If a drug violation occurs in conjunction with other violation(s), the Dean of Students has the option of combining the offenses or resolving one of more of the offenses individually.
  - i. A student on disciplinary probation must comply with all sanctions, including completion of an Alcohol, Tobacco, or Other Drugs (ATOD) program as mandated, and any associated behavioral restrictions. Non-compliance and/or any further violation of the Student Code may result in further sanctions.
  - ii. A disciplinary hold on a student's academic record may be one of the sanctions for an alcohol violation or may result from non-compliance with another sanction. A disciplinary hold on a student's academic record prohibits the student from registering, receiving final course grades, graduating, or ordering transcripts without the permission of the Dean of Students.
- D. Being mandated or choosing to attend a non-DSU alcohol and other drugs prevention or intervention program does not fulfill DSU sanctions.
- E. If a State or local court refers a student to the DSU ATOD program, the student will be placed in the appropriate program level based on the nature of the offense. Court referral does not preclude additional institutional sanctions.
- G. DSU will refer all appropriate violations to local law enforcement agencies. DSU disciplinary sanctions have no impact on the actions of local, state, or federal law enforcement agencies.

## VI. Parental Notification of Student Violations

- A. Utah Board of Regents Policy R261, Parental Notification Regarding Alcohol and Drug Violations, requires procedures for notification of the parent or legal guardian of a student younger than 21 years of age regarding a violation by the student of any Federal, State, or local law or any rule or policy of the University governing the use or possession of alcohol or a controlled substance, including illegal

use of a controlled substance, reckless disregard for the safety of him/herself or other(s) while intoxicated, medical attention required as the result of the use of alcohol or a controlled substance, a repeat alcohol or controlled substance offense, non-compliance with University sanctions related to alcohol or a controlled substance, and other serious alcohol and controlled substance offenses. The University maintains the option of notifying the parent or legal guardian of an underage student of such violations.

- i. No disciplinary hearing is required before alerting a parent or legal guardian that his/her child under 21 years of age has been cited by an institutional officer for a violation of University policy concerning alcohol or a controlled substance.
- ii. The University is not required to alert the student when the parental notification option has been exercised. In cases where parental notification takes place, the University will make every effort, as possible and appropriate, to consult with the student and attempt to have the student make the first contact.
- iii. The University will keep a record of parental notification and will upon request provide that information to a student whose parents have been notified.

## VII. Student Alcohol, Tobacco, and Other Drugs (ATOD) Program

- A. The Dixie State University Alcohol, Tobacco, and Other Drugs education and prevention program is administered by the DSU Health & Wellness Center and may include therapy sessions with licensed practitioners and/or licensed substance abuse disorder counselors, meetings with other students and/or peer counselors, cessation activities, other educational activities, and/or attendance at Alcoholics Anonymous, Narcotics Anonymous, or other meetings.
- B. The DSU Health & Wellness Center will issue to the Dean of Students a report of non-compliance for a sanctioned student who fails to maintain standard progress in any of its ATOD education, prevention, and cessation programs. Sanctions for non-compliance are made at the discretion of the Dean of Students and/or the Student Conduct Committee.
- C. The DSU Health & Wellness Center will maintain all records related to the ATOD Program, including but not limited to progress reports, non-compliance reports, surveys, and other forms, in compliance with Federal confidentiality regulations. DSU may be limited as to what information can be released to internal and external entities.
  - i. Notification of a student's performance in the program can only be made if the requesting agency submits to the Health & Wellness Center either a waiver of confidentiality or a "consent for information" form signed by the student. If a student declines to sign such a form, no information can be released.
- D. The University's ATOD program must be reviewed not less than every other year, and such review must include a determination of the number of alcohol and other drug violations that occur on the DSU campus or as part of DSU activities, the number and type of sanctions imposed by DSU as a result of alcohol and other drug violations, and any alcohol and other drug fatalities that occur on the DSU campus or as part of the DSU activities. The record of the biennial review and other compliance documents must be retained for three years after the fiscal year in which the record was created.

## VIII. Addenda

A. Addenda to this policy are considered part of this policy for enforcement and adjudication purposes.

B. Addenda.

- i. [Student Alcohol Violation Procedures.](#)
- ii. [Student Tobacco Violation Procedures.](#)
- iii. [Student Marijuana Violation Procedures.](#)
- iv. [Student Other Unlawful Violation Drug Procedures.](#)
- v. [Utah Laws Regarding Alcohol, Tobacco, and Other Drugs.](#)
- vi. [Health Risks of Alcohol and Other Drug Abuse.](#)
- vii. [Resources Available.](#)