

ALCOHOL AND OTHER DRUGS

POLICY SUMMARY

Northern Arizona University's primary concern is for the health and welfare of its community members. Accordingly, the University prohibits the illicit use of alcohol and other drugs on University property or in connection with University-sanctioned activities or events wherever located. The University recognizes substance abuse as a serious health and safety issue and offers comprehensive education, prevention, and referral services. The University will support students and employees who seek its assistance in confronting a substance abuse problem. At the same time, the University will hold all community members responsible for their behavior. This policy does not address the sale of alcohol on University property.

REASON FOR THIS POLICY

Prohibiting the illicit use of alcohol and other drugs furthers the University's educational mission and its goal of promoting community member health, safety, security, and well-being. The University complies with external laws and policies regarding these substances and their illegal use, misuse, or abuse.

ENTITIES AFFECTED BY THIS POLICY

- Campus Health Services
- Residence Life
- Human Resources
- NAU Police Department
- Office of the Dean of Students

WHO SHOULD KNOW THIS POLICY

- All employees, affiliates, agents
- All students
- All visitors or guests
- Contractors and subcontractors working on University property

DEFINITIONS

Legal Drinking Age: twenty-one years of age or older.

POLICY

Section I. – General

A. Philosophy

Northern Arizona University is committed to the well-being of each University community member and seeks to provide a healthy and safe learning, living, and working environment for all. The University recognizes alcohol and drug abuse as a serious health, safety, and security problem and expects its students and employees to act

reasonably and appropriately to reduce its harmful effects. To support those experiencing substance abuse challenges, the University operates comprehensive education, prevention, and referral services. University community members will not be penalized for seeking the University's assistance to confront a substance abuse problem. The University will, to the fullest extent allowed by law, maintain the confidentiality of those who disclose related information in the course of obtaining or completing treatment.

B. Terminology

As used in this policy:

- "alcohol" refers to alcoholic beverages produced or intended for human consumption;
- "illegal drugs" refers to any other drug whose use, possession, sale, or distribution is prohibited or restricted under Title 13 of the Arizona Revised Statutes, the federal Controlled Substances Act, or other applicable law;
- "medical marijuana" refers to marijuana possessed or consumed in accordance with Arizona law and regulation governing the Arizona Department of Health Services Medical Marijuana Program;
- "impaired" or "impairment" refer to the condition of an individual having diminished capacity to the point of being unable to function normally, professionally, or safely due to the intoxicating effects that may result from the ingestion of alcohol or other drugs; and
- "workplace" means any location or environment where an employee is present for the purpose of fulfilling their professional duties or responsibilities.

C. Applicability

This policy applies to all members of the University community wherever located who are subject to the authority and jurisdiction of the University with respect to matters of behavior and conduct. This includes without limitation all employees (including student employees), students, affiliates, volunteers, and visitors or guests. Agents, contractors, and subcontractors are subject to this policy while on property owned or otherwise controlled by the University. This policy is in addition to and does not supersede or replace the University's *Student Code of Conduct* and *Student Disciplinary Procedures* and applicable Arizona Board of Regents ("ABOR") and University employee conduct policies and procedures.

D. Responsibility

All members of the University community are responsible for familiarizing themselves and complying with the requirements of all applicable federal and state laws and ABOR and NAU policies regarding the consumption, possession, sale, or distribution of alcohol, illegal drugs, medical marijuana, and other controlled substances such as prescription drugs. All University community members are responsible, and the University will hold all community members accountable, for their own conduct and the consequences of that conduct. Impairment by alcohol or other drugs, including legal drugs, does not excuse irresponsible, unprofessional, or illegal behavior.

E. Requirements and Prohibitions

Northern Arizona University prohibits the unlawful use, possession, manufacture, cultivation, sale, distribution, or dispensation of alcohol, illegal drugs, other controlled substances including but not limited to prescription drugs, medical marijuana, and illegal drug paraphilia on its property or in connection with any University program or activity wherever located. For faculty and staff, it is a condition of employment at the University to abide by this policy. Violations by an employee should be reported to the employee's immediate supervisor or a more senior supervisor. Violations by students should be reported to the Office of the Dean of Students. Violations by a contractor or visitor should be reported to a supervisor or the NAU Police. Additionally:

1. Students, including those of Legal Drinking Age, may not possess, consume, or be impaired by alcohol when attending class or other course-related activities, including but not limited to, laboratory or field work (the lawful use of alcohol as part of course curriculum, e.g., wine tasting classes, is permitted).

2. Employees may not consume alcohol while on duty, except as authorized in accordance with Section II(B)(3). Employees may not report to or be present at work while impaired by alcohol, illegal drugs, or other controlled substances, including legally obtained and properly administered prescription drugs that can reasonably be anticipated to compromise one's ability to perform normal and expected work activities in a safe, efficient, reliable, and professional manner.
3. When the University has reasonable grounds to suspect that a student or employee unlawfully or in violation of policy manufactured, distributed, possessed or used alcohol, drugs, or drug paraphernalia on University property or at its events or activities, the University may inspect areas such as residential units, lockers, desks, or other University property occupied, assigned to, or under the individual's control. Employees should see Human Resources policy 5.14 for additional information in this regard.
4. Employees may not for the purpose of conducting University business, operate University or personal vehicles after having consumed any amount of alcohol or any illegal drug, or any other controlled substance, including but not limited to, legally obtained and properly administered prescription drugs, that can reasonably be anticipated to impair the driver's ability to operate the vehicle in a safe and reliable manner.
5. Employees must notify the Chief Human Resources Officer in writing no later than five (5) business days after a conviction for violating any criminal alcohol or drug statute. The term "conviction" as used here means a finding of guilt (which includes a plea of no contest or nolo contendere), and the term "criminal statute" means any federal, state, or local law or ordinance concerning the use, possession, manufacture, cultivation, sale, distribution, or dispensation of alcohol or any illegal drug.
6. In accordance with the University's *Authorized Driver* policy, authorized drivers must promptly notify their immediate supervisor of any suspension, revocation, or restriction placed on their driver license or privilege to legally drive a motor vehicle as the result of the illegal use of alcohol or other drugs.

F. Impaired Employees in the Workplace

Employees should inform the appropriate supervisor of an employee in the workplace whose ability to perform their normal and expected work activities in a safe, reliable, and professional manner appears to be impaired by alcohol or other drugs. If an employee suspects their supervisor of impairment at work, the employee should report the matter to a more senior supervisor. When impairment of an employee by alcohol or other drugs is reported or suspected:

1. A supervisor may determine based upon reasonable suspicion that an employee is impaired at work by alcohol or other drugs based on a person's behavior, appearance, or odor. "Reasonable suspicion" means in this context that the supervisor has documented objective facts or circumstances that would cause a reasonable person to conclude that the employee was impaired by alcohol or drugs, including without limitation, direct observation of an employee using alcohol or drugs, an aroma of alcohol or drugs on an individual's breath or person, or erratic or strange behavior.
2. Supervisors must follow the *Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace procedure* that outlines the appropriate steps to take when making this determination. Supervisors must use the *Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace checklist* to document the directly observed objective indicators that led to the supervisor's determination.
3. Employees who are determined to be impaired in the workplace must leave University property and may not return to work until the next day the employee is scheduled for duty, provided however, that the employee demonstrates to their supervisor that they are able to safely return to work. In accordance with the *Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace procedure*, supervisors must arrange for or assure the employee's safe transportation. If the employee is uncooperative and appears likely to engage in unsafe behavior, the supervisor should notify the NAU Police Department.
4. An employee who is determined to be impaired while on duty in the workplace will have the right to be tested for alcohol or drugs at the University's expense in accordance with established procedures and requirements. When exercising this right, the employee is required to follow the provided testing instructions.

5. The University may require that an employee undergo immediate alcohol and/or drug testing if the employee is involved in a vehicular accident while driving a University-owned vehicle or a personal vehicle while on duty conducting University business.
6. Employees with a documented incident of alcohol or drug impairment in the workplace, or who fail to pass an alcohol or drug test, or who refuse to properly follow the testing instructions may be placed on leave and are subject to disciplinary action up to and including termination of employment in accordance with applicable ABOR and University employee conduct policies.
7. Retaliating against an employee who makes a good faith report of a suspected impaired employee in the workplace, even if such action later proves to be unwarranted, or who takes any other good faith action in furtherance of this policy, is prohibited.
8. Employees whose job description or function requires possession of a commercial driver license (“CDL”) are subject to additional alcohol and drug testing requirements as mandated by federal regulations and outlined in Human Resources policy 5.06, *Commercial Driver Licensee Alcohol and Drug Testing*.

G. Education, Assessment, Counseling, Treatment

1. Students. All enrolled students are eligible to receive alcohol and drug-related support services through the University’s alcohol and other drug programs. Nominal fees may apply. These services include education, alcohol and drug use assessments, early intervention, counseling, and limited treatment options. View the [Alcohol and Other Drugs Informational Website](#) for more information in this regard.
2. Employees. Employee Assistance and Wellness offers counseling and referral services to support employees confronting substance abuse issues. Job security or advancement opportunities will not be jeopardized because an employee with a substance abuse problem seeks treatment. Poor job behavior or performance, however, is not excused by seeking treatment. The information an employee reveals to the University while receiving treatment shall remain confidential to the extent allowed by law and will be kept separate from the employee’s personnel records. A leave of absence may be available for employees who seek substance abuse treatment. View the [Alcohol and Other Drugs](#) informational website for more information in this regard.

H. Drug-Free Schools and Communities Act

As an institution of higher education receiving federal funds, the University shall comply with the Drug-Free Schools and Communities Act, as implemented by the Department of Education General Administrative (EDGAR) Part 86, [Drug-Free Schools and Campuses Regulations](#). Accordingly, the University shall adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees that includes annual notification of the following:

- The University’s applicable standards of conduct;
- A description of sanctions for violating laws and policies related to drugs and alcohol;
- A description of health risks associated with use of alcohol and illicit or commonly abused drugs; and
- A description of the available support, referral, and treatment options.

Additionally, the University shall conduct the required biennial review of the effectiveness of its alcohol and drug programs and the consistency of its enforcement of related sanctions. The annual notice to students and employees must include:

- Standards of conduct and administrative disciplinary sanctions
- Legal sanctions and penalties
- Statements of health risks associated with alcohol and drug abuse
- Alcohol and drug programs available to students and employees

I. Drug-Free Workplace Act

As a federal contractor and grant recipient, the University complies with the Drug-Free Workplace Act. As a condition of employment on such contracts and grants, employees will abide by the terms of this policy. The

University prohibits the unlawful manufacture, distribution, dispensation, possession, use, or sale of illegal drugs as defined in federal and state law and makes an ongoing, good faith effort to maintain a drug-free workplace. The University will not tolerate and will take appropriate personnel action to address any criminal activity on its property or associated with its programs or services.

Section II. – Alcohol

A. State of Arizona Requirements

1. A person not yet of Legal Drinking Age may not buy, receive, possess, or consume alcohol.
2. A person or organization may not sell, furnish, or give alcohol to any person not of Legal Drinking Age (except as otherwise permitted in very narrow circumstances that are not applicable in the University environment).
3. A person not yet of Legal Drinking Age may not solicit another to purchase, sell, give, serve, or furnish alcohol to themselves or any other person not yet of Legal Drinking Age.
4. A person not yet of Legal Drinking Age may not misrepresent their age with the intent to induce another to sell, furnish, give, or serve alcohol contrary to the above requirements.
5. A person or organization may not serve, sell, or furnish alcohol to any disorderly or obviously intoxicated person, and such intoxicated persons shall not be allowed to remain on or about premises in which alcohol is being furnished except in order that a non-intoxicated person may transport the obviously intoxicated person from the premises.

B. Northern Arizona University Requirements

1. In accordance with ABOR Policy 5-108, the President must approve the sale, service, or consumption of alcohol on University property and may prohibit or place restrictions or conditions upon such activities as the President deems appropriate or in the University's best interests.
2. The President's standing authorization of consumption of alcohol at traditional pre-game tailgating events is contained in the [President's Designation of Approved Tailgating Areas](#) document, which is included in this policy's appendix.
3. Notwithstanding the prohibitions outlined in this policy, students and employees of Legal Drinking Age may responsibly consume alcohol at University events where alcohol has been authorized. Students and employees who consume alcohol must always conduct themselves in an appropriate and professional manner.
4. Events serving alcohol must have a primary purpose other than the consumption of alcohol and the availability of alcohol may not be used as an inducement for attending or participation. At events serving alcohol:
 - a. Non-alcoholic beverages must be available in the same location and featured as prominently as alcoholic beverages during the entire time that alcoholic beverages are served;
 - b. Controls that are consistent with applicable law and policy must be enforced to prevent underage consumption of alcohol;
5. The possession and consumption of alcohol within University residential facilities may only take place in accordance with the [Standards of Residence](#).
6. Unless otherwise authorized in writing by the President, the possession and consumption of alcohol at University pre-game tailgate parties is limited to beer and wine and may not include spirituous liquor. As determined on a case-by-case base by NAU Athletics, alcohol may be consumed in designated tailgating areas. Students consuming alcohol must wear a wristband or other designation obtained from Associated Students of Northern Arizona University indicating that they are of Legal Drinking Age.

Public consumption of alcohol outside of designated tailgating areas, disorderly conduct, drinking games, common sources of alcohol such as kegs, and devices to promote rapid Alcohol consumption (e.g., beer bongs) are prohibited. Individuals and organizations participating in tailgating events may not sell alcohol or charge a cover charge or impose or collect any other type of fee.

7. In accordance with [Comptroller Policy 401-03](#), using University funds to pay for or to reimburse the cost of alcohol or associated taxes or tips is prohibited.

Section III. – Intoxication and Consent in the Context of Sexual Activity

A. In accordance with Section E(4) of the *Student Code of Conduct*:

Consent may never be given by a person who is: incapacitated (by drugs, alcohol or otherwise), unconscious, asleep, or otherwise physically or mentally unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that violates this Student Code of Conduct.

Section IV. – Medical Marijuana

A. Prohibition

Although Arizona law provides for medical use of marijuana by those with a valid prescription, federal law continues to prohibit the possession, use, or cultivation of marijuana at educational institutions such as Northern Arizona University. Accordingly, even for those with a valid prescription, possessing or using medical marijuana in any form remains prohibited on Northern Arizona University property both as a matter of federal law and University policy. Marijuana derivatives that do not have psychotropic effects and are, therefore, legal under both federal and state law to use and possess are not included in this prohibition.

Section V. – Enforcement

Violations of this policy by students are subject to disciplinary action under the Student Code of Conduct up to and including suspension or expulsion. Violations by employees are subject to disciplinary action under applicable ABOR and University employee conduct policies up to and including termination. Violations of this policy by visitors or guests, affiliates, agents, contractors, or subcontractors may result in ejection from University property. In addition to these administrative sanctions, individuals who violate this policy may be subject to prosecution under federal and state laws that specify severe penalties, including substantial fines and terms of imprisonment, for drug-related criminal offenses.

RESPONSIBILITIES

Campus Health Services:

Provide alcohol and drug-related prevention, intervention, and support services to students and employees. Manage mandated student referrals for alcohol and drug-related offences.

Human Resources:

NAU Police Department:

Office of the Dean of Students:

Residence Life:

PROCEDURES

[Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace Procedure](#)

RELATED INFORMATION

Forms or Tools

[Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace Checklist](#)

Cross-References

[Alcohol Sales and Service on Campus](#)

[Authorized Driver](#)

[Comptroller Policy 401-03](#)

[Drug-Free Workplace Policy Statement](#)

[Hazing Prevention](#)

[Human Resources 5.06](#)

[Human Resources 5.14](#)

[Standards of Residence](#)

[Student Code of Conduct](#)

Sources

[Arizona Board of Regents Policy 5-108](#)

[Arizona Board of Regents Policy 6-913](#)

[Arizona Revised Statutes § 13-3401, *et. seq.*](#)

[Arizona Revised Statutes § 4-241](#)

[Arizona Revised Statutes § 4-244](#)

[Arizona Revised Statutes § 36-2801, *et. seq.*](#)

[Drug-Free Schools and Campuses Regulations \(EDGAR Part 86\)](#)

[Drug-Free Workplace Act of 1998 \(41 U.S.C. § 8102\)](#)

[Section 201 of the Federal Controlled Substances Act \(21 U.S.C. § 811\)](#)

[State of Arizona Accounting Manual, Policy 25](#)

[State of Arizona v. Maestas, 417 P.3d 774 \(Ariz. 2018\)](#)

APPENDIX*

[Federal Drug Trafficking Penalties](#)

[NAU's Alcohol and Other Drugs Informational Website](#)

[Health Risks Associated with Alcohol and Drugs](#)

[President's Designation of Approved Tailgating Areas](#)

*Disclaimer: all documents, links, or other materials included in this policy's appendix are provided solely for the user's convenience and are not part of official University policy.

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