



Responsible Executives: Chief Human Resources Officer, Provost and Vice President for Academic Affairs, and Vice President for Student Affairs and
Responsible Offices: Human Resources, Office of the Dean of Students, and Vice Provost for Academic Personnel
Effective Date: October 1, 1993
Last Revised: *[Insert date or "Not Applicable"]*

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 dependency 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 dependency problem. At the same time, the University will hold all members of its community 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 and the University's compliance with external requirements regarding these substances and their legal and illegal use or misuse.

ENTITIES AFFECTED BY THIS POLICY

- Campus Health Services
- Employee Assistance and Wellness
- 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 dependency 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 dependency 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 dependence 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 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 (e.g., reduced sensory, cognitive, or motor functions) to the point of being unable to function normally, professionally, reliably, 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 a University 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*, applicable Arizona Board of Regents ("ABOR") and University employee conduct policies and procedures, and unit-level commercial driver license ("CDL") or shuttle bus driver alcohol and drug testing programs.

D. NAU Police Department Special Application and Responsibilities

Due to special requirements and capabilities, the Northern Arizona University Police Department shall be responsible for and will respond to suspected impairment of its officers and employees while on duty in accordance with its established internal procedures. The Chief of Police shall apprise the Chief Human Relations Officer of any instances of impaired Police Department officers or employees in the workplace and the steps taken to resolve the matter. Law enforcement officers are exempt from the prohibitions outlined this policy to the extent necessary for the proper performance of their official duties.

E. 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 and will not be accepted as a legitimate defense regarding irresponsible, unprofessional, prohibited, or illegal behavior.

Section II. – Prohibitions and Requirements

A. Unlawful Activities

Northern Arizona University prohibits the unlawful use, possession, manufacture, cultivation, sale, distribution, or dispensation of alcohol, illegal drugs and illegal drug paraphilia and other controlled substances, including but not limited to, prescription drugs and medical marijuana on its property or in connection with any University program or activity wherever located. Additionally:

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, including student organizations, 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. University Mandates

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 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. 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.
4. 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.
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 herein means a finding of guilt (which includes a plea of no contest or nolo contendere), and the term "criminal alcohol or drug 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 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.
7. 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.

8. 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;
 - c. The possession and consumption of alcohol within University residential facilities may only take place in accordance with the *Standards of Residence*.
9. The President must approve in writing the consumption of alcohol at traditional pre-game tailgating events. 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.
10. Public consumption of alcohol outside of designated areas, drinking games, common sources of alcohol such as kegs, and devices to promote rapid Alcohol consumption (e.g., beer bong) are prohibited at tailgating events. Individuals and organizations participating in tailgating events may not sell alcohol or impose or collect a cover charge or any other type of fee.
11. 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.

C. Federal Student Aid

Pursuant to the Higher Education Act of 1965 as amended, a student may become ineligible for federal student aid if convicted of an offense involving the possession or sale of illegal drugs. Students who are receiving federal student aid (grants, work-study, or loans) are required to notify the Office of Scholarships and Financial Aid immediately upon being convicted of a drug offense. The periods of ineligibility are as follows:

Possession of a Controlled Substance	Period of Ineligibility
First Offense	1 Year
Second Offense	2 Years
Third Offense	Indefinite
Sale of a Controlled Substance	
First Offense	2 Years
Second Offense	Indefinite

Additionally, students may be liable for returning any financial aid received during the period of ineligibility. Students regain federal student aid eligibility the day after the period of ineligibility ends. Or, students may regain eligibility early by successfully completing an approved drug rehabilitation program or by passing two (2) unannounced drug tests administered by an approved drug rehabilitation program. Students may contact the Office of Scholarships and Financial Aid for additional information in this regard.

D. Medical Marijuana

Although Arizona law provides for medical use of marijuana by those who receive a valid written certification from a physician, 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 III. – Impaired Employees in the Workplace

A. Applicability

The procedures and documentation tool outlined in this section are intended as an additional aid for supervisors who observe or encounter an apparently impaired employee in the workplace. This section supplements but does not supersede, replace, or otherwise modify the University's normal employee supervisory and conduct processes that may also be deployed in response to employee impairment in the workplace.

B. Duty to Report

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

C. Determination

When impairment of an employee in the workplace by alcohol or drugs is reported to or observed by a supervisor:

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 directly observed by the supervisor 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, the odor of alcohol or drugs on an individual's breath, clothing, or person, or erratic or strange behavior consistent with intoxication by alcohol or drugs. The objective indicators or circumstances documented by the supervisor must be **specific**, **multiple**, and **articulable** to make a finding of employee impairment in the workplace.
2. When making such a determination, supervisors must follow the *Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace Procedure* and use the *Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace Checklist* to document the objective indicators that they directly observe that led to the supervisor's determination.
3. Employees who are determined by a supervisor 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 first demonstrates to their supervisor's satisfaction 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 are responsible for assuring the employee's safe transportation. If the employee is uncooperative and appears likely to engage in unsafe behavior, the supervisor should immediately notify the NAU Police Department.
4. An employee who is determined to be impaired while on duty in the workplace will be informed of their option to personally obtain an independent alcohol or drug test from an independent third-party provider. For the testing results to be accepted by the University as valid, the employee must follow the testing instructions provided by their supervisor and the test must be administered within four (4) hours. The University will reimburse the employee for the cost of obtaining a valid test alcohol or drug test from a private provider.
5. In certain situations, such as when an employee is involved in a vehicular accident while driving a University-owned vehicle or their personal vehicle for the purpose of conducting University business, the University reserves the right to require that an employee undergo immediate alcohol or drug testing.

6. Employees with a documented incident of alcohol or drug impairment in the workplace may be immediately placed on administrative leave and are subject to disciplinary action up to and including termination of employment as determined 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 cooperates or 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*.

Section IV. – Education, Assessment, Counseling, Treatment

A. Students

All enrolled students who have paid the Health and Recreation Fee are eligible to receive alcohol and drug-related support services through the University’s alcohol and other drug programs. Additional 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 website](#) for more information in this regard.

B. Employees

Employee Assistance and Wellness offers counseling and referral services to support employees confronting substance dependency issues. Job security or advancement opportunities will not be jeopardized because an employee with a substance 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 dependency treatment. View the [Alcohol and Other Drugs website](#) for more information in this regard.

Section V. – Legal Compliance

A. Drug-Free Schools and Communities Act

As an institution of higher education receiving federal funds, the University is committed to providing a drug-free environment for its students and employees. To achieve this goal and to comply with federal law, the University prohibits the unlawful sale, manufacture, distribution, dispensation, possession, and use of controlled substances on its property or as part of any of its activities. Sanctions will be imposed on any student who violates ABOR or University alcohol or drug policy. Such sanctions may include the requirement that the student participate in an alcohol or other drug education or assessment program or suspension or expulsion from the University. Sanctions will also be imposed on employees who violate this policy, which may include the requirement that the employee participate in an alcohol or other drug education or assessment program, or progressive discipline up to and including termination.

B. Drug-Free Workplace Act

The federal Drug-Free Workplace Act prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and student employees, permanent or temporary, who violate this policy. Grant or contract employees must notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. Any employee who violates this policy is subject to prosecution and punishment by the civil authorities as well as to University administrative disciplinary sanction up to and including termination.

Section VI. – 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 available alcohol and drug-related prevention and support services to students and employees; manage mandated student alcohol and drug referrals from the Office of the Dean of Students, Residence Life, and Athletics.

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](#)

[Alcohol and Drug Third-Party Testing Instructions](#)

RELATED INFORMATION

Forms or Tools

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

[Authorized Driver](#)

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 \(41 U.S.C. § 8102\)](#)

[Higher Education Act of 1965, as amended](#)

[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](#)

*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.