



Dakota College at Bottineau
Drug-Free Schools and Campuses Regulations [EDGAR Part 86]
Biennial Review: 2022

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December 2022

Alcohol and Other Drug Prevention Certification Signed by Chief Executive Officer

Dakota College at Bottineau

Name of Institution

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I. Introduction / Overview

Dakota College at Bottineau is committed to an environment that supports the academic success and health of our staff and students and has a Drug-Free Campus Program that serves to provide the campus with activities and services designed to encourage a healthy and drug-free lifestyle.

In keeping with the requirements of the Drug-Free Schools and Campuses Regulations [EDGAR Part 86], Dakota College at Bottineau has an Alcohol / Drug Abuse Prevention Statement or policy that describes standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on College/University property or as part of any College/University sponsored activities. The statement/policy includes the following:

1. A description of legal sanctions under federal, state, or local law for the unlawful possession use or distribution of illicit drugs and alcohol;
2. A clear statement of disciplinary sanctions Dakota College at Bottineau will impose on students and employees for violations of the standards of conduct;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of the drug and alcohol counseling and treatment resources available to students and employees.

As outlined in the “Complying with the Drug-Free Schools and Campuses Regulations” (EDGAR Part 86), the statement/policy is distributed to all students and employees as part of our Drug-Free Campus Program. This required biennial review has the following two objectives. First, to determine the effectiveness of, and to implement necessary changes to, the AOD/ATOD Prevention Program. Secondly, to ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently.

II. Biennial Review Process

This Review covers the period of 2020-2022. Specifically, it is the start of the fall 2020 semester through the summer of 2022. A copy is posted on the DCB website or available upon request in Student Services.

A. Biennial Review Preparer

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III. Annual Policy Notification Process

A. Content of Alcohol/Drug Abuse Prevention Statement

This policy is distributed to all employees and enrolled students. This is accomplished through electronic circulation of the Employee Handbook, Residential Life Handbook, and Student Handbook.

These handbooks include the following information:

1. Conduct standards that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on campus property or as a part of any event or activity.
2. A description of sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.

3. A description of health risks associated with the use of illicit drugs and alcohol abuse.
4. A description of any alcohol or drug counseling, treatment, or rehabilitation programs that are available to students or employees.

IV. Alcohol and Other Drug (AOD) Prevalence Rate, Incidence Rate, Needs Assessment, and Trend Data

Every two years, the North Dakota University System (NDUS) deploys a systemwide survey to capture the impact of alcohol, tobacco, and other drugs on the experiences of students. In 2018, the NDUS stepped away from the CORE Survey format, which had been in place for years, and developed the NDSWAPS: The North Dakota Student Wellness and Perceptions Survey. This comprehensive yet succinct survey tool provided information in all areas of substance misuse, wellness, perceptions of substance use of peers, sexual assault, suicidality, and mental health. Again in 2020, the Systemwide NDSWAPS went to all students.

In 2021, one of the NDUS campuses discovered anomalies in the 2020 data. Upon further inspection in 2022, incongruencies were evident in the 2018 data. From there, the NDUS hired a new researcher to dive into the concerns and find the sources of the issues. After more digging, the researcher was able to identify more concerns that resulted in filing adverse event reports with the Institutional Research Boards at all eleven campuses for both the 2018 and 2020 surveys.

The NDUS is in the process of working with the new research team to correct the data in those reports and to forge ahead with a new survey tool in 2023. Currently, we are not able to share any of the 2018 or 2020 NDSWAPS findings, as the reports are not correct or reliable. We plan to enroll the ACHA/NCHA survey tool in the Fall of 2023 and have fresh data for the 2024 Biennial Review.

V. AOD Policy, Enforcement, and Compliance Inventory

A. Policies

1. Federal Drug Free Campus Policy

Dakota College at Bottineau (DCB) prohibits the unlawful and unauthorized manufacture, distribution, dispense, possession, use or sale of alcoholic beverages, controlled substances and illegal drugs. This campus wide prohibition applies even if the North Dakota Department of Public Health has issued a certificate of registration permitting the individual to possess a limited amount of marijuana for medical purposes; individuals with medical marijuana cards are not permitted to use medical marijuana on campus property, at college sponsored, or hosted events. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work (during normal work hours or other times when required to be at work) is also prohibited. DCB employees and students are required to abide by all federal and state laws, local city ordinances, State Board of Higher Education policies and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances and illegal drugs.

In accordance with the Drug Free Workplace Act and SBHE Policy 615, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Every employee is required to abide by applicable law and SBHE Policy 615 as a condition of employment.

2. Drug and Alcohol Abuse

Alcohol consumption causes a number of impairments including changes in behavior and normal body function. Even low doses significantly impair judgment, coordination and mental function thus increasing the risks of accidents and injuries. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses taken acutely can cause respiratory depression and even death. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism and fights. Additional consequences include DUI arrests and serious or fatal car crashes. Continued abuse may lead to dependency, which can cause permanent damage to vital organs and deterioration of a healthy lifestyle.

3. Student Code of Conduct – particularly relating to Alcohol and Other Drugs

The following are prohibited:

- a. The manufacture, sale, purchase, transportation, possession or consumption of an alcoholic beverage anywhere on college owned or regardless of location), or in association with any Dakota College at Bottineau sponsored student activities or organizations.
- b. Public intoxication on College owned and controlled property or at Dakota College at Bottineau supervised functions is prohibited. Persons who endanger directly the safety of themselves or another person or property, or are acting in a manner that causes a public disturbance under the influence of alcohol, are considered to be intoxicated.
- c. Driving while under the influence of alcohol or illicit drugs on the Dakota College at Bottineau campus or in association with any other Dakota College at Bottineau sponsored or supervised organizations or vehicles.
- d. Possession or display of empty alcohol beverage containers, including but not limited to cans, bottles, and kegs, on the Dakota College at Bottineau campus, including those held by individuals for the purpose of recycling.
- e. Being under the influence of, possessing, manufacturing, exchanging, distributing, using, or selling illegal drugs or any other controlled substance or agent, except pursuant to a physician's or dentist's prescription, or possessing paraphernalia for drug use on Dakota College at Bottineau owned or controlled property, or at Dakota College at Bottineau sponsored or supervised events.

4. Alcoholic Beverages- Campus Housing

The use or possession of alcoholic beverages in college housing is prohibited by the State Board of Higher Education. Students in violation of the prohibition of alcohol in the residence halls will be subject to disciplinary action which may include, but is not limited to; fines, mandatory visits to the campus counselor or an alcohol education class, and possible dismissal from campus housing. College officials will be allowed judgment when imposing sanctions dependent on the circumstances involved in the violation. Residents are responsible for the activity that occurs in the residence halls. Thus, if an alcohol violation is taking place, the resident has the responsibility to report the violation to the hall staff or vacate the area. In addition, any student who is under the influence of alcohol and brings attention to themselves by making noise or general disruption or publicly displaying underage intoxication is in violation of this policy and will face disciplinary action. The residence hall staff is aware that in certain situations a resident will not be observed actually consuming alcoholic beverages. Therefore, it is the responsibility of the Housing Staff and Student Services Office to investigate cases of suspected alcohol, examine the circumstances involved, and arrive at a conclusion concerning guilt or innocence. If it is determined that a violation has occurred, a standard course of action will be followed. Repeat violations of the alcohol policy will usually mean removal from the hall for a specified period of time. Students removed from college housing must petition the Director of Student Life to re-enter the

residence halls. Where excessive or extraordinary disruption of residence hall life is caused by use of alcohol, extraordinary disciplinary measures will be taken to remediate the situation. As in cases of other violations of residence hall rules and regulations, the residents present in a living area where an alcohol violation has occurred will be held responsible for the conduct in that area until that time when those responsible for the violation are identified. DCB will not accept intoxication as an excuse for disruptive and disorderly behavior or for property damage. DCB reserves the right to confiscate alcoholic beverages. Empty alcohol containers are also prohibited within residence halls. This restriction applies to containers used for decorative purposes, can collections for recycling, furniture made from empty containers (lights, etc.), or containers saved as souvenirs.

5. Substance Abuse Policy – Campus Housing

No student or his/her guest may possess, distribute, manufacture, exchange, consume, use, or sell illegal drugs anywhere on DCB premises. Any drug or tobacco smoking paraphernalia (pipes, vape pens, hookahs, rolling papers, etc.) found will be viewed as a violation of the drug policy. In addition, any student, under the influence of illegal or unprescribed drugs who brings attention to themselves by general disruption or publicly displaying that they are under the influence of drugs is in violation of this policy. Any student present where drug violations are taking place are also subject to this policy no matter if they are under the influence or not. Violators of the drug policy may be reported to local law enforcement officials and the college will fully cooperate with the authorities. A penalty or punishment dictated by civil courts and authorities will not preclude disciplinary action by the College. Violation of this regulation will generally mean removal from the residence hall whether or not the use and possession was on the college campus.

6. Smoke Free/Tobacco Free Campus

The health hazards of tobacco use have been well established. Use of tobacco products is the leading cause of preventable death and disability in North Dakota. DCB is committed to promoting healthier educational, work and living environments. DCB recognizes the serious health risks associated with the use of tobacco products, both to users and non-users alike, and believes that the use of tobacco products is detrimental to the health and safety of students, staff and visitors. This tobacco-free policy is established to:

- Reduce the high incidence of tobacco use in North Dakota.
- Protect the health and safety of all students, staff, and the general public.
- Establish a standard of healthy, tobacco-free behavior.

DCB shall post signs indicating that the campus property is tobacco-free in all locations and in the manner identified in NDCC 23-12-10.4.1(a) and (b). In addition, notices should be posted in other highly visible places on campus property including, but not limited to, walkways, athletic fields, parking lots and at all off-campus, school-sponsored events. Students, faculty and staff will be notified of this policy in writing and, when feasible, through verbal announcements at school-sponsored events. In addition, the local media will be asked to communicate this tobacco free policy communitywide.

7. Employee Assistance Program Referral Policy

The NDUS offers an Employee Assistance Program which can be used for referrals to appropriate agencies. Emails are distributed to faculty and staff on each pay period with information regarding EAP and services offered through the Village.

8. Sexual Assault and other Violence related policies that relate to alcohol/ drug use

Sexual misconduct, whether involving violence or not, is a form a sexual discrimination that is prohibited by this policy. Misconduct offenses include, but are not limited to, the following:

1. SEXUAL HARASSMENT is:
 - a. An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
 - c. Sexual assault, dating

violence, domestic violence, or stalking, as defined in this section. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying. 2. Consent a. Consent is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. b. Individuals should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. c. Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given. The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether consent was given. However, being intoxicated or incapacitated does not diminish one’s responsibility to obtain consent and will not be an excuse for sexual misconduct. d. In some situations, an individual may not be able to freely consent. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, unconsciousness, intimidation, coercion, mental or physical impaired disability, isolation, or confinement. The perspective of a reasonable person will be the basis for determining whether the Respondent knew, or reasonably should have known, whether the Complainant was capable of providing consent. e. In order to give effective consent, one must be of legal age. According to the North Dakota Century Code: i. The “age of consent” is 18 years old in North Dakota. ii. A person under the age of 15 cannot legally consent to sexual activity under any circumstances. iii. A person between the ages of 15–17 is legally able to consent to sexual activity if the partner is less than three years older. For example, a 16-year-old can legally consent to engage in sexual activity with a partner who is 18 years old, but not a partner who is 19 years old. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

D. Record of Violations

Dakota College at Bottineau Campus Safety and Security Handbook:

<https://www.dakotacollege.edu/student-life/safety>

Alcohol Liquor Law Violations 2020: 8

Alcohol Liquor Law Violations 2021: 18

Drug Abuse Violations 2020: 6

Drug Abuse Violations 2021: 6

VII. Alcohol and Other Drug Comprehensive Program Goals and Objectives for Biennium

In the prior Biennial Review report, the following recommendations that were made for the reported upon biennium, based off of 2020’s Biennial Review

1. Involve students in campus efforts related to drug and alcohol issues
 - Due to institutional turnover, this goal will be better addressed in 2023-2024 academic year.
2. Continue to participate in the North Dakota Higher Education Consortium for Substance Abuse Prevention
 - Until recently, DCB had not participated in this group.
3. Continue to expand programming.
 - This goal was not met and no campus activities addressed this goal in the past year.
4. Continue to review the alcohol violation policy.

- This goal was not met, all policies and procedures will be reviewed in 2023.
5. Develop a method of rewarding students who choose not to drink or use drugs.
- This goal was not met.

VIII. AOD Strengths and Weaknesses

Based on the review of the past two years, several areas were strengths and other areas were noted for needing improvement

- A. Strengths – Institutional commitment to address areas of alcohol and drug abuse.
- B. Weaknesses – No dedicated employees to meet goals.
- C. Recommendations for the next biennium – Develop a team to address issues to plan and implement events for students, faculty, and staff as well as works towards the goals identified in the 2020 Review. This will be achieved through continued participation in North Dakota Higher Education Consortium for Substance Abuse Prevention and establishing a Master Calendar for events and activities related to alcohol and drugs.

Conclusion

- Dakota College has the proper policies in place but institutional turnover prevented the accomplishment of established goals.
- Dakota College is committed to student success in a healthy environment but have no dedicated employees to educate students about drugs and alcohol.
- Dakota College will establish a team to identify appropriate events and activities as well as work towards the goals documented in the 2020 Biennial Report.

Appendix A

Dakota College at Bottineau

ND University System Part 86 Compliance Checklist

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist 2022

1. **Does the institution maintain a copy of its drug prevention program?** Yes No
If yes, where is it located? DCB Website at <https://www.dakotacollege.edu/>

2. **Does the institution provide annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?**
 - a. **Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities**
Students: Yes No Staff and Faculty: Yes No

 - b. **A description of the health risks associated with the use of illicit drugs and the abuse of alcohol**
Students: Yes No Staff and Faculty: Yes No

 - c. **A description of applicable legal sanctions under local, state, or federal law**
Students: Yes No Staff and Faculty: Yes No

 - d. **A description of applicable counseling, treatment, or rehabilitation or re-entry programs**
Students: Yes No Staff and Faculty: Yes No

 - e. **A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions**
Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 2 a-e:

3. **Are the above materials distributed to students in one of the following ways?**
 - a. **Mailed to each student (separately or included in another mailing)**
Yes No

 - b. **Through campus post offices boxes**
Yes No

 - c. **Class schedules which are mailed to each student**
Yes No

 - d. **During freshman orientation**
Yes No

 - e. **During new student orientation**

Yes No

f. In another manner

Yes No

Any comments or clarifications on items 3 a-f:

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?

Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed

Staff: Yes No Faculty: Yes No

b. Through campus post office boxes

Staff: Yes No Faculty: Yes No

c. During new employee orientation

Staff: Yes No Faculty: Yes No

d. In another manner ()

Any comments or clarifications on items 6 a-d:

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey

Yes No

b. Conduct opinion survey of its students, staff, and faculty

Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box

Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups

Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews

Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: Yes No Staff and Faculty: Yes No

Any comments or clarifications on items 9 a-g:

10. Who is responsible for conducting the biennial reviews?

Heidi Kippenhan, Associate Dean for Student Services

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?

Yes No

12. Where is the biennial review documentation located?

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13. Comments or clarifications on any above items:

Due to institutional turnover, there is no documentation of the biennial review at this time.