



**NORTHERN MICHIGAN  
UNIVERSITY**

**Drug-Free Schools and Campuses Biennial Review**

**July 1, 2019 through June 30, 2021 Report**

**Northern Michigan University**  
**Drug-Free Schools and Campuses Regulations (EDGAR Part 86)**  
**Alcohol and Other Drug Certification**

The undersigned certifies it has adopted and implemented an alcohol and other drug prevention program for its students and employees that, at a minimum includes:

**1. The following annual distribution to each employee and each enrolled student:**

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
- A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- A description of any drug or alcohol counseling and programs that are available to employees or students.
- A clear statement that the institution will impose disciplinary sanctions on students and employees, consistent with State and Federal law, and a description of sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

**2. A biennial review by the institution of its alcohol and other drug prevention comprehensive program to:**

- Determine its effectiveness and implement changes to its comprehensive alcohol and other drug prevention program and policies, if necessary.
- Ensure disciplinary sanctions are consistently enforced.

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Kerri Schuiling, Interim President

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Date

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## **Introduction**

As required by the Drug-Free School and Communities Act, Northern Michigan University conducts a biennial review of our Alcohol and Other Drug (AOD) programs and policies to determine program effectiveness and consistency of policy enforcement. Recommendations for improvement are included at the end of this report. What follows is a summary of program and policy review for July 1, 2019 through June 30, 2021.

## **Biennial Review Process**

The Drug-Free Schools and Campuses Act biennial review for Northern Michigan University is conducted by its Substance Abuse Committee. The Substance Abuse Committee goals are:

- To promote a safe, healthy environment conducive to learning and working.
- To provide advice and support for collaborative programming and marketing for alcohol, tobacco and other drug awareness, prevention education, training, intervention, evaluation, referral and treatment.
- To provide a means for collective review of the Northern Michigan University Alcohol and Other Drug Policy.
- To provide a means for collecting information and data and conducting a review of the biennial Drug-Free Schools and Communities Act report and a timeline for notification to the campus community.

## **Substance Abuse Committee Participants**

- Deputy Chief & Clerical Officer - Jeff Mincheff
- Executive Secretary, Police Department - Carley Leanes
- Chief of Police & Director of Safety Department - Michael Bath
- Assistant Director of Athletics & Compliance - Kate Hagenbuch
- Director of Center for Student Enrichment - Rachel Harris
- Assistant Dean of Students - Kash Dhanapal
- Assistant Director of Human Resources - Renee Sheen
- Associate Director of Intercollegiate Athletics & Rec Sports - Tricia Bush
- Assistant Director of Residence Life - Lucas Dushack
- Director of Internal Audit/Risk Management - Jill Compton
- Associate Dean of Students - Mary Brundage
- Director, Student Success/Wellness - Neil Baumgartner

### **Annual Policy Notification Process**

As required by the Drug-Free Schools and Communities Act, Northern Michigan University distributes email notifications four times per year in the Fall, Winter and two summer sessions, to each employee and each enrolled student. The notifications include:

- Standards of conduct for students and employees
- A description of associated university and legal penalties
- A description of health risks
- A description of available services and treatment programs

In addition, new faculty and staff receive the same information during new employee orientation. A copy of the email notifications is attached as Appendix A and B.

### **COMMITTEE CHARTER**

#### **Purpose**

The Drug-Free Schools and Campuses Biennial Review Committee is an action council to compile and publish the Biennial Reviews required by the Drug-Free Schools and Communities Act. The committee will ensure compliance with Biennial Review regulations and support the university in alcohol and other drug (AOD) prevention.

#### **Applicability**

The members of the Drug-Free Schools and Campuses Biennial Review Committee will be appointed by the NMU Chief of Police or designee. New potential members are identified by the committee and recommended to the Chair, NMU Chief of Police or designee. Membership shall consist of a permanent representative from the following areas:

Athletics

Center for Student Enrichment

Dean of Students

Housing and Residence Life

Human Resources

NMU Police Department

Records Management

Risk Management and Internal Audit

In addition, other members may be appointed.

#### **Confidentiality and Access Statement**

The committee shall have full, free, and unrestricted access to all appropriate university records, property, and personnel to the extent which that access supports the committee

purpose. All committee members will attest to their commitment to confidentiality before they are accepted as full members.

### **Committee Bylaws Charge**

1. To compile information and data required by Drug Free Schools and Communities Act regulations.
2. To publish and make available copies of the Biennial Review as required by the Secretary of Education.
3. To determine the effectiveness of, and to implement any needed changes to, the AOD prevention program and policies.
4. To ensure the university enforces the disciplinary sanctions for violating standards of conduct consistently.
5. To support the university in AOD prevention.
6. To retain evidence of assessments and recommendations made.
7. **Meetings:**

Chair: The Chair will be responsible for scheduling meetings, enacting the requirements of the charge, and for ensuring that minutes are recorded and retained.

Regular Meetings: Regular meetings will be scheduled at least once per semester, typically a few weeks following the beginning of each semester. A final review meeting will be scheduled prior to the Biennial Review being published. Other meetings and ad hoc subcommittee meetings may be called by the chair or subcommittee leader to support additional projects identified by the committee.

Attendance: All members are expected to attend and participate in regular meetings. Members who are unable to attend regular meetings are not required to send a designate. However, members who are consistently unable to attend may nominate a replacement from the department.

Meeting Reporting Duties: Committee members will report on the prior semester's AOD related programs and events. Data will also be reported related to the assessment of program effectiveness and AOD use on and by campus. Members will have access to a Google Shared Drive where they can share documents at any time.

During the 2019 through 2021 timeframe there were no subcommittee or Ad hoc group meetings held due to the COVID 19 pandemic.

### **ALCOHOL AND OTHER DRUG POLICY AND ENFORCEMENT**

Northern Michigan University Alcohol and Other Drug policy is intended to educate members of the campus community about health risks associated with the use and abuse of alcohol and other drugs. It is also meant to provide information concerning available resources for assessment, referral, and treatment as well as sanctions for non-compliance. It is reviewed biennially by the Substance Abuse Committee.

The Dean of Students Office provides oversight of the AOD Policy.

The NMU Dean of Students Office has begun using both *AlcoholEdu* and *Prime for Life* as educational tools for students who have repeat offenses of NMU's drug and alcohol regulations, as of Winter 2019.

*AlcoholEdu* is designed for students entering college, this interactive online program uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. This course includes tailored content that: engages abstainers, light to moderate drinkers, and frequent drinkers with customized messaging; educates students on the mental and physical effects of alcohol; and prepares students to engage in bystander intervention.

*Prime for Life* is an evidence-based intervention which integrates science with practice. It involves assessing all the research that has been conducted in the drug and alcohol field, synthesizing findings into an integrative scientific review that involves decision of program development, and the creation of "best practices" in all areas of instructor development.

## **POLICE DEPARTMENT**

The Police Department of Northern Michigan University is a full-service law enforcement agency designed to protect and serve the community 24 hours a day, 365 days per year. The Police Department is comprised of 19 sworn police officers who provide services to our campus community, including campus drug and alcohol awareness programming and activities. On-campus enforcement by the Police Department and residence hall staff is vigorous and consistent and has resulted in an increased emphasis on enforcement. The University Police Department maintains a log of drug and alcohol-related incidents that are handled by their personnel.

In 2019 the police department began storing Naloxone in each building lobby across campus to make it more readily accessible.

During the COVID-19 pandemic and restrictions on large group gatherings, the Chief of Police and University President made visits to parties to dissolve and diminish the gatherings.

## **COMPREHENSIVE ALCOHOL AND OTHER DRUG AWARENESS GROUP PROGRAMS & ACTIVITIES**

Educational programming on alcohol and drug awareness are regularly presented to the campus community by the Police Department and the Office of Residence Life. See Appendix C. The Housing and Residence Life Office surveys their students on a multitude of factors, including their satisfaction in their living area, relationships made in their area, facilities/process related questions, as well as questions about perceptions about drugs and alcohol on campus. The survey asks students if they feel as though drugs and alcohol are prevalent in their living

situation, how often they consume alcohol and or drugs, and if they are aware of services or programs that support students struggling with alcohol or drugs.

Over the past two years, the Housing and Residence Life Department has had reduced programming due to the COVID-19 pandemic. Programming was conducted on a limited basis and was held over zoom focused on mental health topics due to the toll the pandemic was taking on students mentally. In addition, non on-campus residents were not permitted in residence halls and students were only allowed to have one guest in their room at any time. These constraints affected housing's programming model significantly. Due to the lack of a survey and scarce programing, there was a concern of the accuracy of a survey response.

**The following are a series of traditional group programs and activities that are face to face interactions. Upon completion of the programs, attendees are asked for feedback that can be utilized to improve future programming.**

<b>July - December 2019 Programs</b>		<b>Estimated Attendance</b>
<b>7/3/2019</b>	<b>New Student Orientation</b>	<b>150</b>
<b>7/10/2019</b>	<b>New Student Orientation</b>	<b>250</b>
<b>8/16/2019</b>	<b>Athlete Orientation</b>	<b>100</b>
<b>8/20/2019</b>	<b>Athlete Orientation</b>	<b>50</b>
<b>8/20/2019</b>	<b>Athlete Orientation</b>	<b>25</b>
<b>8/21/2019</b>	<b>International Orientation</b>	<b>30</b>
<b>8/22/2019</b>	<b>New Student Orientation</b>	<b>250</b>
<b>8/22/2019</b>	<b>Transfer Student Orientation</b>	<b>10</b>
<b>8/22/2019</b>	<b>Wildcat Welcome Back Party</b>	<b>1000-2000</b>
<b>8/26/2019</b>	<b>Fall Fest</b>	<b>500</b>
<b>8/27/2019</b>	<b>Athlete Orientation</b>	<b>50</b>
<b>8/28/2019</b>	<b>Athlete Orientation</b>	<b>40</b>
<b>9/6/2019</b>	<b>Late Night at the Berry Events Center</b>	<b>505</b>
<b>9/16/2019</b>	<b>Alcohol Awareness for Rugby Team</b>	<b>75</b>



9/23/2019	Risk Management Seminar for Greek Life	10
10/3/2019	Van Antwerp Hall Full Sail Alcohol Awareness	20
10/8/2019	Risk Management Seminar Greek Life	15
10/19/2019	Meyland Hall Full Sail Alcohol/Drug Awareness	23
10/25/2019	Woodland Apts Full Sail Drunk Driving Awareness	15
10/29/2019	It's on Us Program	150
11/4/2019	Met w/ BSN Student to assist with Alcohol Awareness Project	1
11/7/2019	Maple Hall Full Sail Alcohol Program	32
11/10/2019	Risk Management Seminar Greek Life	25
11/10/2019	OWI Sail Program	30
12/2/2019	Drug/Alcohol Impairment SAIL Program	30
12/4/2019	Triad Meeting	15
	January -December 2020 Programs **Multiple Programs Cancelled Due to Pandemic**	
1/8/2020	International Student Orientation	10
2/11/2020	Interview w/ Northwind – Tobacco on Campus	1
2/11/2020	Spalding Full Sail Alcohol, Drugs and Dating Program	30
2/16/2020	Gwinn Health Fair	66
3/12/2020	Risk Management with Greek Life	1
4/6/2020	Risk Management with Greek Life	14
5/27/2020	Orientation Staff Training	17
8/22/2020	Fall Fest	Not Taken
10/9/2020	Risk Management Seminar	14
10/23/2020	Risk Management Seminar	16
	January – June 2021 Programs **Multiple Programs Cancelled Due to Pandemic**	Estimated Attendance

<b>3/19/2021</b>	<b>Risk Management Seminar</b>	<b>17</b>
<b>4/1/2021</b>	<b>Risk Management Seminar</b>	<b>16</b>

**ADDITIONAL PROGRAMMING**

**myPlaybook Collegiate:** myPlaybook is an evidence-based suite of wellness programming aimed at reducing alcohol and other drug use, reducing sexual assault, and promoting life skills among collegiate student-athletes. Funding for the development and evaluation of myPlaybook was provided by the National Institute on Drug Abuse (NIDA). myPlaybook includes:

- Interactive web-based instructional design
- Engaging content and immediate personalized feedback
- User friendly administrative tools and technical assistance to facilitate quality program delivery
- Integrated web-based data collection tools to assess program impact

**Greek Programming:** Students joining Greek organizations continue to be required to attend risk management seminars focusing on sexual assault, alcohol awareness and hazing. The Coordinator of the Center for Student Enrichment partners with an NMU Police Officer to offer the risk management seminars at a minimum of twice per semester.

**Therapy Assistance Online Connect (TAO) Program**

Our counseling center has expanded their services to provide 24/7 access to supportive resources. NMU now offers a free service called TAO Connect, an app and online program that can help everyone feel happier, healthier and more productive when going through tough times. It is used to learn some preventive techniques and lifestyle skills to address any issues, including a module to help students evaluate their own alcohol and drug use. Students who identify a problem are guided through making plans for changes.

Each treatment/ pathway in TAO consists of 6-7 highly engaging educational modules, including interactive activities to help learn strategies and skills. Typically, a program can be completed within 6 to 9 weeks when committing about 15 minutes a day. Additionally, if focused problems unexpectedly surface, such as anxiety and stress, individual modules can be accessed to reinforce what has been learned.

The following lists the utilization of the program since its implementation in 2018:

<b>August 1, 2018 to July 31, 2019</b>	<b>Total Numbers</b>
Total Registrations	137
Unique Logins	123
Sessions & Mindfulness Exercises Engaged with	32
<b>August 1, 2019 to July 31, 2020</b>	<b>Total Numbers</b>
Total Registrations	255
Unique Logins	245
Sessions & Mindfulness Exercises Engaged with	98
<b>August 1, 2020 to October 26, 2021</b>	<b>Total Numbers</b>
Total Registrations	235
Unique Logins	246
Sessions & Mindfulness Exercises Engaged with	239

### **CODE OF CONDUCT**

The University Standards of Code of Conduct are printed in the Student Handbook. The Standards include recognized student clubs and organizations are apprised and are required to abide by all university policies. See Appendix L.

This section includes:

- 1) Guidelines used to determine sanctions for violations of the alcohol and drug policies, including educational sanctions, to maintain consistency of sanctioning.
- 2) The number of students who:
  - Were found to be in violation of the University's Drug and Alcohol policies
  - Accepted Medical Amnesty for incidents involving alcohol and drugs
  - Received a sanction from the Athletic Review Board
- 3) Rates of recidivism for alcohol and drug violations from July 1, 2019 until June 30, 2021.
- 4) The amount of a specific sanction imposed on a student found to be in violation of the University's alcohol or drug policies, including: warning probation, disciplinary probation, and suspension held in abeyance, suspension, or expulsion.

## **GUIDELINES USED FOR SANCTIONS**

### **Alcohol, Tobacco, and Other Drug Use**

All Northern Michigan University staff must follow the alcohol and drugs rules set forth in the staff personnel policy. All Northern Michigan University students must follow the alcohol and drugs rules as stated in NMU policies and the student code. See Appendix D and L.

### **Drug-Free Workplace Act**

Northern Michigan University, in compliance with the Drug-Free Workplace Act of 1988, P.L. 100-690, is committed to providing a drug-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance by an employee in the workplace. NMU Human Resources department will ensure that a drug-free education program is provided for NMU faculty, staff, and student employees. See Appendix E.

### **Alcohol**

No NMU students shall illegally consume, possess, manufacture or distribute alcoholic beverages on University premises except as permitted by University policy. Under Michigan law, it is illegal for anyone under the age of 21 to purchase or attempt to purchase, consume or possess, or have any bodily content of alcohol.

The University may designate residence halls and apartments, or areas within residence halls or apartments, which are reserved for upperclassmen and students 21 years of age and older, as places in which the use, possession, and consumption of alcoholic beverages is permitted. See Appendix F, G and M.

### **Tobacco**

Northern Michigan University is a tobacco-free campus. The tobacco-free policy prohibits the use of all tobacco products as defined by the American College Health Association which includes all tobacco-derived or containing products, including cigarettes, vapor cigarettes (e-cigarettes), cigars, cigarillos, hookah-smoked products and oral tobacco (spit and spitless, smokeless, chew, snuff). See Appendix H.

### **Drugs**

No NMU students shall illegally possess, use, or have under their control marijuana, barbiturates, amphetamines, hallucinogens, narcotics or other controlled substances in any building or on any property owned or controlled by the University.

**Violations:**

Based on these guidelines, for the period between July 1, 2019 and June 30, 2021, the following violations, medical amnesty occurrences, sanctions, and recidivism statistics are noted.

**Drug Violations:**

Semester	Drug Violation	Medical Amnesty
S 2019	2	0
F 2019	44	1
W 2020	39	0
S 2020	0	0
F 2020	42	0
W 2021	29	1
Total	156	2

**Drug Recidivism:**

Total number of Students= 315
Second Drug Offense= 26
Third Drug Offense= 3
Fourth or More Drug Offense= 0

\*Recidivism numbers are based on a four-year time frame due to student graduation timelines. \*

**Drug Sanction by Semester**

	Warning	Disciplinary	Suspension Held In Abeyance	Suspension	Expulsion	Total
S 2019	2	0	0	0	0	2
F 2019	31	13	0	0	0	44
W2020	18	21	0	0	0	39
S 2020	0	0	0	0	0	0
F 2020	25	14	0	3	0	42
W2021	15	12	0	2	0	29
Total	91	60	0	5	0	156

Alcohol Violations:

Semester	Alcohol Violation	Medical Amnesty
S 2019	1	0
F 2019	64	5
W 2020	45	2
S 2020	0	0
F 2020	46	1
W 2020	34	1
Total	190	9

Alcohol Recidivism:

Total number of Students= 480
Second Alcohol Offense= 48
Third Alcohol Offense= 6
Fourth or More Alcohol Offense= 0

\*Recidivism numbers are based on a four-year time frame due to student graduation timelines.\*

Alcohol Sanction by Semester

	Warning	Disciplinary	Suspension Held In Abeyance	Suspension	Expulsion	Total
S 2019	1	0	0	0	0	1
F 2019	42	20	1	1	0	64
W2020	26	19	0	0	0	45
S 2020	0	0	0	0	0	0
F 2020	22	23	1	0	0	46
W 2021	18	13	0	2	1	34
Total	109	75	2	3	1	190

## **ADDITIONAL GUIDELINES FOR NMU STUDENT-ATHLETES**

### **Alcohol and Tobacco Use**

In addition to NMU general alcohol rules, teams may also implement additional guidelines. At a minimum, team rules must have the minimum requirement of “no alcohol during the 48 hours prior to competition.”

A student-athlete may not use tobacco products during any NMU athletics-related activity (i.e. competition, practice, locker room, pre-practice, post-practice, bus trip, volunteer activities, and study-table). See Appendix I.

In addition, these guidelines are communicated in the Northern Michigan University Student-Athlete Drug Education and Testing Policy. See Appendix J.

### **Athletic Review Board**

When the University becomes aware that NCAA athletes violate the student code the Athletic Review Board may add additional sanctions as needed. In the period between July 1, 2019 and June 30, 2021 there were 3 instances of violations where the Athletic Review Board met to discuss Drug violations. Below are the additional sanctions:

<b>Date of Meeting</b>	<b>Reason</b>	<b>Sanction</b>
9/12/2020 9/18/2020 10/28/2020	Violation of NMU Athletic Code: Noise, Alcohol & Disorderly Conduct, Destruction of Property	Alcohol Education Course and community service at the PEIF.
8/15/2020 8/29/2020 9/25/2020	Violation of NMU Athletic Code: Disruptive Conduct, Possession or Use of, Destruction of Property	Alcohol Education Course and community service at the PEIF.
1/25/2021	Violation of NMU Athletic Code: Fire Safety	Added to the drug testing list.

9/8/2021	Violation of NMU Athletic Code: Alcohol & Disorderly Conduct	Alcohol Education Course by 4-1-2021 and 10 hours of community service.
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### **DFS Biennial Review – Sanctioning Review**

#### **NMU Dean of Students Office**

The Dean of Students Office reviewed all sanctions imposed on students through the student conduct process between 2019 and 2021, in the timeframe of the biennial review. In that period of time there were 2 instances (out of a total of 346) of sanctions issued below the minimum level in the sanctioning guidelines.

- The first was for a drug violation in 2019, where a delay in the conduct process resulted in delay in the student meeting with a conduct administrator. The sanction was shortened to 7 weeks of Warning Probation to accommodate for this delay.
- The second was for an alcohol violation in 2019. The sanction was shortened to 8 weeks of Warning Probation. There were no distinguishing factors in the file for this circumstance.

All instances of serious first-time drug and alcohol offenses and any second time offenses resulted in students being required to take an online educational course. Instances where there was concern about addiction or it was a third time violation typically resulted in students being required to take a third party in-person substance abuse course called Prime for Life. However, issues such as class schedule conflicts and a period of time when the course could not be offered due to a dropped grant due to COVID, prevented this in some circumstances.



## **2021 Program Evaluation and Recommendations**

The committee identified the AOD Programs Strengths as:

- The Conduct Office partners with MARESA to offer the Prime for Life Alcohol Education Programs to students in the conduct process.
- The Athletic Program has protocols and programs in place to educate athletes about alcohol and drugs.
- Position created for Director of Student Success and Wellness.

The committee identified the AOD Programs Weaknesses and Ongoing Issues:

- Health Promotion Specialist position eliminated.
- Grant for Prime for Life was lost for a period of time due to COVID and classes moving to an online format. This resulted in students having to pay for the programs assigned.
- Due to COVID there was a decrease in alcohol and drug awareness programs and campus Police presence in the housing facilities.

The committee identified the following recommendations and goals:

- Increased Police Officer social walk-throughs of all Resident buildings.
- Increased Police Department educational programs for alcohol and drugs and record feedback.
- Additional education will be added to student orientation on legalities of marijuana on campus.
- Implement alcohol and marijuana education in the Student Success Program.

**Appendix A**  
**Drug-Free Schools Student Notification Letter**  
NMU Students,

This is your [annual notification](#) of how Northern Michigan University complies with the Drug-Free Schools and Communities Act Amendments of 1989. The information provided at the end of this email and the Web page found at [www.nmu.edu/druginformationguide](http://www.nmu.edu/druginformationguide) outline NMU's expectations and procedures for faculty, staff and students. The document includes:

- Standards of conduct for students and employees
- A description of associated and legal [federal and state](#) sanctions
- A description of associated health risks
- A description of available services and treatment options

Many students, faculty and staff have worked together over the years to prevent substance abuse at Northern Michigan University. We think our efforts have contributed to a healthy living-learning community and have assisted individuals in need. If you have questions or have ways you'd like to participate in helping the university further improve these efforts, please let us know.

Thank you,  
NMU Alcohol Task Force

Contact Person: Mike Bath, Chief, NMU Police Department 227-2151 [mbath@nmu.edu](mailto:mbath@nmu.edu).

This document complies with the Drug-Free Schools and Communities Act Amendments of 1989. Northern Michigan University has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The program includes annual distribution in writing to each employee and to each enrolled student of:

- Standards of conduct for students and employees
- A description of associated and legal sanctions
- A description of associated health risks
- A description of available services and treatment options

Alcohol and other drug issues have received much attention nationally and locally. Many students, faculty and staff have worked together over the years to prevent substance abuse at Northern Michigan University. We think our efforts have contributed to a healthy living-learning environment and have assisted individuals in need.

**Northern Michigan University is committed to preventing substance abuse by:**

- Encouraging a campus environment where healthful lifestyle choices are made by students, faculty and staff.

- Expecting acceptance of responsibility for one's own choices and behavior.
- Striving to balance the rights of individuals and those of the university community.
- Encouraging chemical-free activities and supporting those who choose not to use alcohol and other drugs.
- Enforcing university, local and state codes, ordinances and statutes, which govern alcohol and other drug use.

### **NMU Standards of Conduct**

Students of Northern Michigan University

The Northern Michigan University [Student Handbook](#) prohibits the use, possession, sale or consumption of alcoholic beverages by students in any building or on any property owned or controlled by NMU (except under terms and conditions established by the president or designee) and states that no student shall illegally possess, use or have under his/her control, manufacture or distribute any other controlled substance in any building or on property owned or controlled by the University.

Failure to abide by these regulations may lead to any of the following sanctions: (1) warning probation, (2) disciplinary probation, (3) suspension or (4) expulsion. Special conditions may be attached to the sanction including, but not limited to, parental notification of the violation and mandatory participation in an alcohol or other drug education program.

### **Health Risks Associated with Alcohol and Other Drug Use**

Regular use of alcohol and other drugs (including marijuana, stimulants, depressants, cocaine, anabolic steroids, opiates, hallucinogens) may lead to:

- psychological and/or physical dependence
- impaired learning ability, memory, ability to solve complex problems
- inability to perform sexually, infertility problems
- increased risk of sexually transmitted diseases (including AIDS)
- complications due to the combination of prescription medication and other drugs/alcohol
- death, coma or toxic reactions, especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions
- guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, risk-taking, legal difficulties
- organic damage to brain, cardiovascular system, liver, etc.
- increased risk of cancer
- birth or genetic defects, Fetal Alcohol Syndrome

- psychosis (hallucinations, loss of contact with reality, extreme changes in personality)
- other physiological, psychological or interpersonal problems

### **Substance Abuse Resources**

#### **On Campus Services**

NorthStar Employee Assistance Program

710 Chippewa Square, Suite 206

Marquette, MI 49855

(906) 225-3145

[www.northstareap.com](http://www.northstareap.com)

NMU Counseling and Consultation Services

3405 Hedgcock

(906)227-2980

#### **Marquette Area Services**

Alcoholic Treatment Center (24-hour helpline)

800-260-4014

Alcoholics Anonymous

906-249-4430

800.605.5043

<http://www.aa-marquettecounty.org>

Drug Abuse Treatment Center (24-hour helpline)

800-259-7115

UP Health System – Marquette

Behavioral Health – Outpatient Services

Robert C. Neldberg Building, Sixth Floor

580 W. College Avenue

Marquette, MI 49855

(906) 449-1600

<http://www.mgh.org/our-services/behavioral-health>

Great Lakes Recovery Centers

Outpatient Services

1009 W. Ridge Street, Suite C

Marquette, MI 49855

906-228-9696 or (855) 906-GLRC (4572)

<http://www.greatlakesrecovery.org/recovery-services/>

Great Lakes Recovery Centers  
Youth Residential Services  
104 Malton Road  
Negaunee, MI 49866  
906-228-4692  
<http://www.greatlakesrecovery.org/residential-services/teen-residential>

## **Appendix B**

### **Drug-Free Work Place Notification Letter**

This is your annual notification of how Northern Michigan University complies with the **Drug-Free Workplace Act of 1988**. The information provides NMU's expectations and procedures for all NMU employees. Please contact me if you have questions about the policy.

### **Purpose**

This policy establishes Northern Michigan University's Drug-Free Workplace requirements.

### **Applicability**

This policy pertains to all university faculty, staff, and student employees.

### **Policy**

Northern Michigan University's policy, in compliance with the Drug-Free Workplace Act of 1988, P.L. 100-690, is committed to providing a drug-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance by any employee in the workplace.

**Drug-Free Workplace Education.** NMU Human Resources department will ensure that a drug-free workplace education program is provided for NMU faculty, staff, and student employees. This policy is available on the NMU Policies and Procedures database for ease of access; and will be reviewed every two (2) years. All new hires will receive a copy of the policy during orientation.

**Health Risks.** Health (and other) risks associated with the use of alcohol and other drugs include, but are not limited to: psychological and/or physical dependence; impaired learning ability, memory, and ability to solve complex problems; increased risk of sexually transmitted diseases; complications due to the combination of prescription medication and other drugs/alcohol; death, coma or toxic reactions; guilt/regret over activities performed while under the influence of alcohol/drugs; organic damage to brain, cardiovascular system, liver, etc.; increased risk of cancer; Fetal Alcohol Syndrome; birth or genetic defects; psychosis

(hallucinations, loss of contact with reality, extreme changes in personality); and other physiological, psychological or interpersonal problems.

**Resources/assistance.** NMU supports programs aimed at the prevention of substance abuse by its employees, and encourages faculty, staff, and student employees with alcohol and other drug dependency problems to obtain assistance. Leaves of absence to obtain treatment may be obtained under the medical leave provision of the appropriate collective bargaining agreement, non-represented employee handbook, or other university procedures.

NMU encourages faculty, staff, and students with alcohol or other drug dependency problems to contact the Human Resources Department or counseling centers for referral services or assistance. Employees may be eligible for benefits for substance abuse treatment through university-sponsored health insurance plans. If treatment for drug and/or alcohol dependency is needed, you should contact your insurance carrier to obtain information concerning coverage. A contact list of assistance programs and services can be found at the end of this policy.

**Compliance as a condition of employment.** All faculty, staff, and student employees will, as a condition of employment, abide by the terms of these procedures and guidelines.

**Internal sanctions for violation or non-compliance.** NMU will impose violation sanctions consistent with local ordinances, state and federal law, and with applicable collective bargaining agreements, employee handbooks, and university regulations. Violations of these procedures and guidelines will result in personnel action against the employee which may include 1) verbal warning; 2) written reprimand; 3) suspension without pay; or 4) discharge. The discipline administered will be reasonable in light of the violation, frequency of the violation, and the employment history of the employee.

The university encourages counseling and rehabilitation for substance abusers and has made available employee assistance services, alcohol and drug education programs, and support groups for this purpose. Reasonable effort will be made to rehabilitate the employee; however, rehabilitation will not replace disciplinary action.

**Legal sanctions for violation.** Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- Fines as determined under local, state, or federal laws;
- Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin, cocaine, marijuana and prescription drugs;
- Forfeiture of personal and real property;
- Denial of federal benefits such as grants, contracts and student loans;
- Loss of driving privileges;
- Required attendance at substance abuse education or treatment programs.

A full description of federal sanctions for drug felonies can be found [here](#). This section is not intended as legal advice; consult with an attorney regarding your specific legal issues.

**Alcohol:** Under Michigan law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service, and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation, and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If an individual is under 21, there is a "zero tolerance" law in the state of Michigan and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) citation as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Michigan.

**Michigan Law Governing Marijuana:** The Michigan Regulation and Taxation of Marihuana Act and the Michigan Medical Marijuana Act (MMMA) conflict with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. NMU receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. Thus, the use, possession, or cultivation of marijuana in any form and for any purpose violates the Drug-Free Workplace Policy and is prohibited at NMU.

**Prescription drugs and OTC medication.** Any person taking prescription drugs or over-the-counter (OTC) medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on university property, while driving a university or privately-owned vehicle, or while otherwise engaged in university business. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time.

**Employee obligation for notification of conviction.** The employee must notify NMU of any criminal drug statute conviction for a violation occurring on any property owned or controlled by NMU no later than five (5) calendar days after such conviction. The employee shall notify his or her immediate supervisor in writing of any such conviction, who will immediately report the conviction to the head of human resources, or designee. If a report of a conviction is received from a person other than the convicted employee, the head of human resources, or designee, will verify the conviction. NMU will take appropriate action within thirty (30) days of notification.

Employer obligation for notification of conviction. Upon verification of a criminal drug statute conviction, NMU is obligated to provide written notification to any federal funding agency or

agencies within ten (10) calendar days as required by the Drug-Free Workplace Act of 1988, as amended.

**Assistance Programs and Resources Contact List.** Below is a list of some drug and alcohol prevention, counseling, treatment and rehabilitation programs. Additional programs may be listed in local telephone directories.

**On Campus Services**

NorthStar Employee Assistance Program  
710 Chippewa Square, Suite 206 Marquette, MI 49855  
(906) 225-3145  
[www.northstareap.com](http://www.northstareap.com)

NMU Counseling and Consultation Services 3405 Hedgcock  
(906)227-2980

**Marquette Area Services**

Alcoholic Treatment Center (24-hour helpline)  
800-260-4014

Alcoholics Anonymous  
906-249-4430  
800.605.5043  
<http://www.aa-marquettecounty.org>

Drug Abuse Treatment Center (24-hour helpline)  
800-259-7115

UP Health System – Marquette  
Behavioral Health – Outpatient Services  
Robert C. Neldberg Building, Sixth Floor  
580 W. College Avenue Marquette, MI 49855  
(906) 449-1600  
<http://www.mgh.org/our-services/behavioral-health>

Great Lakes Recovery Centers  
Outpatient Services  
1009 W. Ridge Street, Suite C Marquette, MI 49855  
906-228-9696 or (855) 906-GLRC (4572)  
<http://www.greatlakesrecovery.org/recovery-services/>



Great Lakes Recovery Centers  
Youth Residential Services  
104 Malton Road  
Negaunee, MI 49866  
906-228-4692  
<http://www.greatlakesrecovery.org/residential-services/teen-residential>

## Appendix C

### Alcohol and Other Drug Information Guide

#### Purpose

This document complies with the Drug-Free Schools and Communities Act Amendments of 1989. Northern Michigan University has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The program includes annual distribution in writing to each employee and to each enrolled student of:

- Standards of conduct for students and employees
- A description of associated and legal sanctions
- A description of associated health risks
- A description of available services and treatment options

Alcohol and other drug issues have received much attention nationally and locally. Many students, faculty and staff have worked together over the years to prevent substance abuse at Northern Michigan University. We think our efforts have contributed to a healthy living-learning community and have assisted individuals in need.

Northern Michigan University is committed to preventing substance abuse by:

- Encouraging a campus environment where healthful lifestyle choices are made by students, faculty and staff.
- Expecting acceptance of responsibility for one's own choices and behavior.
- Striving to balance the rights of individuals and those of the university community.
- Encouraging chemical-free activities and supporting those who choose not to use alcohol and other drugs.
- Enforcing university, local and state codes, ordinances and statutes, which govern alcohol and other drug use.

### **Students of Northern Michigan University**

The Northern Michigan University Student Handbook prohibits the use, possession, sale or consumption of alcoholic beverages by students in any building or on any property owned or controlled by NMU (except under terms and conditions established by the president or designee) and states that no student shall illegally possess, use or have under his/her control any other controlled substance in any building or on property owned or controlled by the University. Failure to abide by these regulations may lead to any of the following sanctions: (1) warning, (2) warning probation, (3) disciplinary probation, (4) suspension or (5) expulsion. Special conditions may be attached to the penalty including, but not limited to, parental notification of the violation and mandatory participation in an alcohol or other drug education program.

### **Employees of Northern Michigan University**

Northern Michigan University prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance or alcohol by employees of university-owned, used or controlled premises, except when possessed or used within the scope of the employee's assigned duties and as authorized by law.

Any employee violating this policy will be subject to the following disciplinary actions up to and including discharge: (1) verbal warning, (2) written reprimand, (3) suspension without pay, (4) discharge. Disciplinary action may differ from one another depending on the terms set forth in the union contracts.

Furthermore, any employee providing alcohol to an underage student or controlled substance to a student, regardless of the setting, may be subject to the above disciplinary actions.

### **Health Risks Associated with Alcohol and Other Drug Use**

Regular use of alcohol and other drugs (including marijuana, stimulants, depressants, cocaine, anabolic steroids, opiates, hallucinogens) may lead to:

- psychological and/or physical dependence
- impaired learning ability, memory, ability to solve complex problems
- inability to perform sexually, infertility problems
- increased risk of sexually transmitted diseases (including AIDS)
- complications due to the combination of prescription medication and other drugs/alcohol
- death, coma or toxic reactions, especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions
- guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, risk-taking, legal difficulties
- organic damage to brain, cardiovascular system, liver, etc.
- increased risk of cancer
- fetal Alcohol Syndrome, birth or genetic defects
- psychosis (hallucinations, loss of contact with reality, extreme changes in personality)
- other physiological, psychological or interpersonal problems

Substance Abuse Resources Available include:

**On Campus Services**

NorthStar Employee Assistance Program  
710 Chippewa Square, Suite 206  
Marquette, MI 49855  
(906) 225-3145  
[www.northstareap.com](http://www.northstareap.com)

NMU Counseling and Consultation Services  
3405 Hedgcock  
(906)227-2980

**Marquette Area Services**

Alcoholic Treatment Center (24-hour helpline)  
800-260-4014

Alcoholics Anonymous  
906-249-4430  
800.605.5043  
<http://www.aa-marquettecounty.org>

Drug Abuse Treatment Center (24-hour helpline)  
800-259-7115

UP Health System – Marquette  
Behavioral Health – Outpatient Services  
Robert C. Neldberg Building, Sixth Floor  
580 W. College Avenue  
Marquette, MI 49855  
(906) 449-1600  
<http://www.mgh.org/our-services/behavioral-health>

Great Lakes Recovery Centers  
Outpatient Services  
1009 W. Ridge Street, Suite C  
Marquette, MI 49855  
906-228-9696 or (855) 906-GLRC (4572)  
<http://www.greatlakesrecovery.org/recovery-services/>

Great Lakes Recovery Centers  
Youth Residential Services  
104 Malton Road  
Negaunee, MI 49866  
906-228-4692  
<http://www.greatlakesrecovery.org/residential-services/teen-residential>

**Appendix D  
Sanction Guidelines**

2.3.20 Noise	Warning Probation for (4-16) weeks.
<p>2.3.2 Alcoholic Beverages</p> <p>*Prime for Life—May be sanctioned in cases where there is a serious concern about alcohol abuse on an ongoing basis. Please contact the Dean of Students Office for assistance.</p> <p>*Consult with the Dean of Students Office before recommending a sanction of Disciplinary Probation or Warning Probation for longer than 16 weeks.</p>	<p><u>Minor</u>: Warning Probation for (12-16) weeks.</p> <p><u>More Serious</u>: (Alcohol including Drugs, Disorderly Conduct, Personal Abuse, Destruction of Property, serious Noise):</p> <ol style="list-style-type: none"> <li>1. Disciplinary Probation for (14-16) weeks.</li> <li>2. Guardian Notification (dated one week after Conduct Sanction signed).</li> <li>3. Completion of an online Alcohol Education Program (contact conduct secretary at 227-1710 for deadline date to complete). Excludes summer session.</li> </ol>
<p>2.3.12 Drugs</p> <p>*Prime for Life—May be sanctioned in cases where there is a serious concern about alcohol abuse on an ongoing basis. Please contact the Dean of Students Office for assistance.</p> <p>*Consult with the Dean of Students Office before recommending a sanction of Disciplinary Probation or Warning Probation for longer than 16 weeks.</p>	<p><u>Minor</u>: Warning Probation for (12-16) weeks.</p> <p><u>More Serious</u>: (Drugs including Alcohol, Disorderly Conduct, Personal Abuse, Destruction of Property, serious Noise):</p> <ol style="list-style-type: none"> <li>1. Disciplinary Probation for (14-16) weeks.</li> <li>2. Guardian Notification (dated one week after Conduct Sanction signed).</li> <li>3. Completion of an online Marijuana Education Program (contact Courtney at 227-1710 for deadline date to complete). Excludes summer session.</li> </ol>
<p>2.3.7 Dangerous Materials and Open Flame</p> <ul style="list-style-type: none"> <li>● Lit Candle</li> <li>● Burning Incense</li> <li>● Propane Tank</li> </ul>	<p><u>Minor</u>: Warning Probation for (8-16) weeks.</p> <p><u>More Serious</u>: Meeting with Dean of Students Office conduct administrators AND Disciplinary Probation for 32 weeks.</p>

2.3.24.03 Candles <ul style="list-style-type: none"> <li>● Unlit</li> </ul>	<p><u>Minor:</u> Warning Probation for (8-16) weeks. Candle confiscated.</p> <p><u>More Serious:</u> a lit candle is considered a violation under 2.3.7 and has a more severe sanction.</p>
2.3.24.04 Electrical Appliances <ul style="list-style-type: none"> <li>● Wax Melter</li> </ul>	<p><u>Minor:</u> Warning Probation for (8-16) weeks.</p>
2.3.9 Disorderly Conduct <ul style="list-style-type: none"> <li>● Smell of Marijuana</li> </ul>	<p><u>Minor:</u> Warning Probation for (12-16) weeks.</p>

## Appendix E

### Drug Free Workplace Act

Date Approved: 1-6-2016  
Last Revision: 6-11-2019  
Last Reviewed: 6-11-2019  
Approved by: President  
Oversight Unit: HUMAN RESOURCES

### Purpose

This policy establishes Northern Michigan University's Drug-Free Workplace requirements.

### Applicability

This policy pertains to all university faculty, staff, and student employees.

### Policy

Northern Michigan University's policy, in compliance with the Drug-Free Workplace Act of 1988, P.L. 100-690, is committed to providing a drug-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance by any employee in the workplace.

**Drug-Free Workplace Education.** NMU Human Resources department will ensure that a drug-free workplace education program is provided for NMU faculty, staff, and student employees. This policy is available on the [NMU Policies and Procedures](#) database for ease of access; and will be reviewed every two (2) years. All new hires will receive a copy of the policy during orientation.

**Health Risks.** Health (and other) risks associated with the use of alcohol and other drugs include, but are not limited to: psychological and/or physical dependence; impaired learning

ability, memory, and ability to solve complex problems; increased risk of sexually transmitted diseases; complications due to the combination of prescription medication and other drugs/alcohol; death, coma or toxic reactions; guilt/regret over activities performed while under the influence of alcohol/drugs; organic damage to brain, cardiovascular system, liver, etc.; increased risk of cancer; Fetal Alcohol Syndrome; birth or genetic defects; psychosis (hallucinations, loss of contact with reality, extreme changes in personality); and other physiological, psychological or interpersonal problems.

**Resources/assistance.** NMU supports programs aimed at the prevention of substance abuse by its employees, and encourages faculty, staff, and student employees with alcohol and other drug dependency problems to obtain assistance. Leaves of absence to obtain treatment may be obtained under the medical leave provision of the appropriate collective bargaining agreement, non-represented employee handbook, or other university procedures. NMU encourages faculty, staff, and students with alcohol or other drug dependency problems to contact the Human Resources Department or counseling centers for referral services or assistance. Employees may be eligible for benefits for substance abuse treatment through university-sponsored health insurance plans. If treatment for drug and/or alcohol dependency is needed, you should contact your insurance carrier to obtain information concerning coverage. A contact list of assistance programs and services can be found at the end of this policy.

**Compliance as a condition of employment.** All faculty, staff, and student employees will, as a condition of employment, abide by the terms of these procedures and guidelines.

**Internal sanctions for violation or non-compliance.** NMU will impose violation sanctions consistent with local ordinances, state and federal law, and with applicable collective bargaining agreements, employee handbooks, and university regulations. Violations of these procedures and guidelines will result in personnel action against the employee which may include 1) verbal warning; 2) written reprimand; 3) suspension without pay; or 4) discharge. The discipline administered will be reasonable in light of the violation, frequency of the violation, and the employment history of the employee. The university encourages counseling and rehabilitation for substance abusers and has made available employee assistance services, alcohol and drug education programs, and support groups for this purpose. Reasonable effort will be made to rehabilitate the employee; however, rehabilitation will not replace disciplinary action.

**Legal sanctions for violation.** Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- Fines as determined under local, state, or federal laws;
- Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin, cocaine, marijuana and prescription drugs;

- Forfeiture of personal and real property;
- Denial of federal benefits such as grants, contracts and student loans;
- Loss of driving privileges;
- Required attendance at substance abuse education or treatment programs.

A full description of federal sanctions for drug felonies can be found [here](#). This section is not intended as legal advice; consult with an attorney regarding you specific legal issues.

**Alcohol:** Under Michigan law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service, and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation, and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If a student is under 21, there is a "zero tolerance" law in the state of Michigan and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) citation as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Michigan.

**Michigan Law Governing Marijuana:** The Michigan Regulation and Taxation of Marihuana Act and the Michigan Medical Marijuana Act (MMMA) conflict with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. NMU receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. Thus, the use, possession, or cultivation of marijuana in any form and for any purpose violates the Drug-Free Workplace Policy and is prohibited at NMU.

Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on university property, while driving a university or privately-owned vehicle, or while otherwise engaged in university business. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time.

**Employee obligation for notification of conviction.** The employee must notify NMU of any criminal drug statute conviction for a violation occurring on any property owned or controlled by NMU no later than five (5) calendar days after such conviction. The employee shall notify his or her immediate supervisor in writing of any such conviction, who will immediately report the conviction to the head of human resources, or designee. If a report of a conviction is received from a person other than the convicted employee, the head of human resources, or

designee, will verify the conviction. NMU will take appropriate action within thirty (30) days of notification.

**Employer obligation for notification of conviction.** Upon verification of a criminal drug statute conviction, NMU is obligated to provide written notification to any federal funding agency or agencies within ten (10) calendar days as required by the Drug-Free Workplace Act of 1988, as amended.

**Assistance Programs and Resources Contact List.** Below is a list of some drug and alcohol prevention, counseling, treatment and rehabilitation programs. Additional programs may be listed in local telephone directories.

### **On Campus Services**

NorthStar Employee Assistance Program  
710 Chippewa Square, Suite 206 Marquette, MI 49855  
(906) 225-3145  
[www.northstareap.com](http://www.northstareap.com)

NMU Counseling and Consultation Services 3405 Hedgcock  
(906)227-2980

### **Marquette Area Services**

Alcoholic Treatment Center (24-hour help line)  
800-260-4014

Alcoholics and Narcotics (24-hour help line)  
906-228-2611

Alcoholics Anonymous  
906-249-4430  
[www.aa-marquettecounty.org](http://www.aa-marquettecounty.org)

Drug Abuse Treatment Center (24-hour help line)  
800-259-7115

UP Health System – Marquette  
Behavioral Health – Outpatient Services  
580 W. College Avenue Marquette, MI 49855  
906-225-3994 or 906-225-3985  
<http://www.mgh.org/our-services/behavioral-health>



Great Lakes Recovery Centers  
Outpatient Services  
1009 W. Ridge Street, Suite C Marquette, MI 49855  
906-228-9696  
<http://www.greatlakesrecovery.org/recovery-services/>

Great Lakes Recovery Centers  
Youth Residential Services  
104 Malton Road Negaunee, MI 49866  
906-228-4692  
<http://www.greatlakesrecovery.org/residential-services/teen-residential>

Aspen Breeze Treatment Center  
106 Coles Drive Marquette, 49855  
906-226-2527

## **Appendix F**

### **Possession and Use of Alcoholic Beverages by Students**

Date Approved:	1-1-2000
Last Revision:	3-4-2019
Last Reviewed:	3-4-2019
Approved by:	Board of Trustees
Oversight unit:	DEAN OF STUDENTS

#### **Purpose**

No students shall illegally consume, possess\*, manufacture or distribute alcoholic beverages on University premises except as permitted by University policy.

\*Possess: Under Michigan law it is illegal for anyone under the age of 21 to purchase or attempt to purchase, consume or possess, or have any bodily content of alcohol.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy.

#### **Policy**

##### **Possession and Use of Alcoholic Beverages by Students**

No students shall illegally consume, possess\*, manufacture or distribute alcoholic beverages on University premises except as permitted by University policy.

\*Possess: Under Michigan law it is illegal for anyone under the age of 21 to purchase or attempt to purchase, consume or possess, or have any bodily content of alcohol.

## **Residence Halls and Apartments**

The use, possession, and consumption of alcoholic beverages is prohibited in University residence halls except as provided in this policy. The University may designate residence halls and apartments, or areas within residence halls or apartments, which are reserved for upperclassmen and students 21 years of age and older, as places in which the use, possession, and consumption of alcoholic beverages is permitted under the following conditions:

- Alcohol (except kegs of beer and other common sources of alcohol which are specifically prohibited under this policy) may be used, possessed, and consumed within the designated residence hall(s) in the privacy of the resident's room by the resident and by invited guests, all of whom must be 21 years of age or older.
- Alcohol (except kegs of beer and other common sources of alcohol which are specifically prohibited under this policy) may be used, possessed, and consumed by residents of University-owned apartments who are 21 years of age or older and their invited guests who are 21 years of age or older within the confines of their assigned apartments in compliance with state law.
- Alcohol may be used, possessed, and consumed by residents of designated residence halls and on-campus apartments and their invited guests, all of whom must be 21 years of age or older, in the designated area where alcohol is permitted.
- The official student governing organization and the Resident Director of a residence hall or Woodland Park which has a living unit that has been designated as a place where alcohol may be used, possessed, and consumed, may establish a "common area," excluding the main lobby. Alcoholic beverages may be possessed and consumed in this "common area" by the residents of such living units and their invited guests at group sponsored functions that have been approved by the respective student governing organization and the Director of Housing and Residence Life or designee, subject to the following conditions and in compliance with state law:
  - Alcoholic beverages may not be sold or given away.
  - Residents and their invited guests who are 21 years of age or older may consume only their own alcoholic beverages.
  - Beer kegs and other common sources of alcohol are prohibited.
  - No open containers of alcohol may be transported from a resident's room or apartment to any other area of the building.
  - Persons under 21 years of age are not permitted to use, possess, or consume alcoholic beverages.

The Director of Housing and Residence Life, or designee, may determine at any time that the privilege of use, possession and consumption of alcoholic beverages in a living unit, designated area, or common area has been abused, whereupon the privilege shall be suspended in that living unit, designated area, or common area until reinstated (with or without special conditions) by the Director of Housing and Residence Life, or designee. The privilege of use, possession and consumption of alcoholic beverages in designated residence halls during summer sessions or periods when the University is not in session may be suspended irrespective of a determination of abuse.

**Other Areas**

Alcoholic beverages may be used in other areas designated by the University as areas in which consumption of alcoholic beverages is permitted upon such terms and conditions as may be established by the President or designee.

**Prohibited Areas**

Use of alcoholic beverages is prohibited in all areas of the Northern Michigan University campus and field stations except as permitted under this regulation and the University’s Class C Liquor License.

**Appendix G**

**Ordinance 01.00 Alcoholic Beverages: Possession or Use of**

Date Approved:	8-3-2001
Last Revision:	8-3-2001
Approved by:	Board of Trustees
Oversight unit:	POLICE SERVICES

**Purpose**

The Northern Michigan University Board of Control has determined that ordinances for the protection, benefit, government and control of persons and property within the boundaries of lands under the jurisdiction of the Board of Control are essential to secure the successful operation of the University, maintain good order, promote the designed objectives of the University, and obviate unnecessary and improper interferences with University activities and the lawful activities of those coming upon such lands. The Board of Control, therefore, adopts the following ordinances.

**Applicability**

All Students, Faculty, Staff, and Visitors

**1.00 ALCOHOLIC BEVERAGES: POSSESSION OR USE OF**

No person shall possess, consume, or use alcohol on the campus of Northern Michigan University or while in or on any property belonging to or under the control of the University, except as permitted by the Board of Control or its designee.

## Appendix H

### Tobacco Free Campus

Date Approved:	12-13-2013
Last Revision:	8-17-2016
Last Reviewed:	8-17-2016
Approved by:	Board of Trustees
Oversight unit:	PRESIDENT, OFFICE OF THE

This policy has a related procedure. [Click to view the procedure below.](#)

### Purpose

Northern Michigan University is committed to providing a healthy environment for students, faculty, staff and visitors. NMU will become tobacco-free beginning Aug. 1, 2014.

### Policy

The policy covers all university property and university-owned vehicles. The only excluded areas include:

- Public sidewalks and roadways bordering the campus
- Personal vehicles driven or parked on campus that have the windows fully closed (meaning the vehicle is completely enclosed --including no open doors, hatchbacks or other vehicle openings) and where there are no minors in the vehicle
- NMU Golf Course

The tobacco-free policy prohibits the use of all tobacco products as defined by the American College Health Association which includes all tobacco-derived or containing products, including cigarettes, vapor cigarettes (e-cigarettes), cigars, cigarillos, hookah-smoked products and oral tobacco (spit and spitless, smokeless, chew, snuff).

The sale of tobacco products in any facility or on any property owned, operated, or under the control of Northern Michigan University is prohibited. Possession of a tobacco product is not prohibited by this policy.

Smoking and/or the use of tobacco products will be permitted for research or educational purposes approved by the Vice President for Academic Affairs. Smoking shall also be permitted for religious ritual or religious ceremonial purposes in places rented or approved for religious activities.

## **Appendix I**

### **Ordinance 21.00 Use of Tobacco Products**

Date Approved:	8-3-2001
Last Revision:	8-3-2001
Approved by:	Board of Trustees
Oversight unit:	POLICE SERVICES

#### **Purpose**

The Northern Michigan University Board of Control has determined that ordinances for the protection, benefit, government and control of persons and property within the boundaries of lands under the jurisdiction of the Board of Control are essential to secure the successful operation of the University, maintain good order, promote the designed objectives of the University, and obviate unnecessary and improper interferences with University activities and the lawful activities of those coming upon such lands. The Board of Control, therefore, adopts the following ordinances.

#### **Applicability**

Faculty, Staff, Students and Community

No person shall smoke or otherwise use tobacco products in any facility or vehicle owned, operated, or under the control of Northern Michigan University except in designated rooms, University apartments, or other areas identified by smoking permitted or tobacco use permitted signs.

## Appendix J

### Northern Michigan University Athletics Athletics Policies and Procedures Updated May 4, 2021

#### **Alcohol, Tobacco/Vaping, and Drug Use**

##### All NMU Staff

All Northern Michigan University staff must follow the alcohol and drugs rules set forth in the staff personnel policy manual.

##### All NMU Students

All Northern Michigan University students must follow the alcohol and drugs rules as stated in the student code.

##### **Drugs**

No NMU students shall illegally possess, use, or have under their control marijuana, barbiturates, amphetamines, hallucinogens, narcotics or other controlled substances in any building or on any property owned or controlled by the University.

##### **Alcohol**

No NMU students shall possess, consume, or use alcohol on the campus of Northern Michigan University or while in or on any property belonging to or under the control of the University except as permitted in Spooner Hall if you are 21 and live consume in Spooner Hall. Under Michigan law, your body is a container. If you are given a PBT on campus and have any bodily alcohol content, you will be charged with an alcohol violation. You cannot drink on campus unless you're 21 and live and consume in Spooner Hall.

##### **Tobacco/Vaping**

Students are not permitted to use tobacco or vaping products in any facility or vehicle owned or operated, or under control of the University except in designated areas identified by "Smoking Permitted" signs, in University apartments - with the exception of Woodland Park Apartments which are entirely smoke free - where all occupants of the living quarters agree to permit tobacco use, and as specified by the University "Smoking and Tobacco Use Policy."

### NMU Student-Athletes

#### **Drug Use/Positive Drug Test**

Student-athletes are bound by the NMU Student-Athlete Drug Education and Testing Policy.

#### **Tobacco Use**

A student-athlete may not use tobacco products during any NMU athletics-related activity (i.e. competition, practice, locker room, pre-practice, post-practice, bus trip, volunteer activities, study-table).

#### **Alcohol Use**

Rules stay within team, but must have a minimum requirement of “no alcohol during the 48 hours prior to competition”.

### **Appendix K**

*Northern Michigan University Student-Athlete Drug Education and Testing Policy (updated July 2021)*

## **INTRODUCTION**

The Northern Michigan University (“NMU”) student must cope with the typical challenges which are encountered by students universally. Student-athletes must meet these and many additional challenges. Among these are the pressures to win and to perform well in their chosen sport while working to succeed academically. Without appropriate coping strategies, adequate support, and the positive influence of NMU personnel, student-athletes may turn to drug or alcohol use to enhance performance or to deal with these added pressures. It is our goal at NMU to provide an atmosphere that allows student-athletes to reach their full potential without the misuse of drugs or alcohol.

NMU is concerned about the misuse of alcohol, the misuse of prescription drugs, the use of drugs that are not medically indicated, use of unlawful drugs and the use of controlled substances; all of these substances constitute a serious threat to the physical and mental well-being of our student-athletes. The results of research appearing in professional literature indicate that the misuse of alcohol and other drugs may cause harmful physical side effects, some of which are permanent. Other side effects, such as slower reaction time and poorer eye-hand coordination, may contribute to serious injury to student-athletes, their teammates, and their opponents.

The use of performance enhancing drugs imposes a variety of negative consequences

for the student- athlete and the student-athlete's teammates. When used, performance enhancing drugs such as anabolic steroids, amphetamines, barbiturates and tranquilizers unduly expose the athlete to exploitation, may artificially induce a temporary advantage, and place the non-user at an unfair competitive disadvantage. In addition, such drugs have been shown to produce organ damage and organ function abnormalities, induce erratic mood swings, increase aggressive behavior, and contribute to genetic defects in offspring, thus expanding the potential negative effects to fellow students, friends, and families. Accordingly, NMU actively discourages their use and must provide an environment that will enable student-athletes to recognize the dangers of these drugs to themselves and others.

Evidence of the use of substances banned by the National Collegiate Athletic Association (NCAA) may result in disqualification of the student-athlete from competition.

Therefore, NMU is interested in: 1) promoting the health and physical safety of student-athletes; 2) promoting fair intrateam and intercollegiate competition; and 3) providing an atmosphere that enables student-athletes to reach their full potential without the misuse of drugs or alcohol. The Northern Michigan University Student-Athlete Drug Education and Testing Policy is designed to enable NMU to achieve these goals.

## **POLICY STATEMENT**

Northern Michigan University, a member of the National Collegiate Athletic Association (NCAA), prohibits student-athletes from the non-prescription use of substances described by the NCAA as banned drug classes (see **Appendix A**). The misuse of prescription drugs, alcohol, tobacco, or any other controlled or illegal substance is also prohibited.

A student-athlete is an individual who is enrolled as a full-time student and is making satisfactory progress toward a baccalaureate or graduate degree; meets the eligibility requirements of the institution conference, and NCAA; and participates in a sport under the jurisdiction of the NMU Department of Athletics. All student-athletes are subject to this policy, regardless of whether the student-athlete is eligible to compete.

This policy is not to be construed as a contract between Northern Michigan University and the student- athletes at Northern Michigan University. However, a signed notification and consent form (see **Appendix B**) shall be considered affirmation of the student-athlete's agreement to the terms and conditions contained in this policy.



NMU will make every effort to support the student-athlete through education and counseling, but sanctions listed under this policy will be imposed against the student-athlete in the case of:

- 1) failure to sign the drug testing consent form;
- 2) findings that the student-athlete has failed to comply with this policy by using a substance banned by the NCAA;
- 3) failure to comply with mandatory drug testing;
- 4) failure to participate in a counseling/rehabilitation program, if required, including the signing of any releases necessary to assure compliance with the conditions of the program;
- 5) violation of any part of the NMU student code, or any local, state, or federal laws that involve the use of drugs or alcohol; and
- 6) use of tobacco products anywhere on campus and/or during practice or competition.

Sanctions listed under this policy do not prohibit or limit coaches, administrators or NMU officials from taking further action against a student-athlete found to be in violation of this policy.

It is the sole responsibility of the student-athlete to assure that he/she is in compliance with this policy. Student-athletes are required to report and have on file with the Team Physician/athletic training staff any medications and/or supplements being taken while a student-athlete.

However, it is the shared responsibility of all NMU employees to be participants in the process of identifying student-athletes who misuse substances covered by this policy. Department of Athletics staff members are required to act on behaviors which indicate that a student-athlete is in violation. For example, if a Department of Athletics staff member sees a product that appears to be a supplement sitting near a student-athlete's locker, the staff member must make sure that the head athletic trainer is aware.

### **PROGRAM GOALS AND OBJECTIVES**

The overall goal of the Northern Michigan University Student-Athlete Drug Education and Testing Policy is to promote a year-round drug free environment in the NMU intercollegiate athletics program. Within the overall goal are the following objectives:

- 1) To protect the health, safety, and welfare of the student-athlete;
- 2) To identify, address, and treat student-athlete problems and concerns involving drug and alcohol misuse;

- 3) To inform and educate student-athletes and others associated with athletic teams about drugs and alcohol, and the effects of their misuse;
- 4) To protect the institution's integrity; and
- 5) To maintain fair play in intercollegiate competition by NMU student-athletes. The first priority of this policy is the student-athlete's health, welfare, and safety. The approach is from a medical perspective, with an emphasis on prevention, diagnosis, treatment, and rehabilitation. Accordingly, notwithstanding any other provision in this policy, the Team Physician may prohibit any student-athlete from practicing or competing for such time as the Team Physician deems medically necessary.

The policy has three main focuses. One is on substances commonly believed to be "performance enhancing," so that student-athletes will not feel compelled to take these health endangering substances in order to compete successfully.

The second focus is on the banned drug classes cannabinoids or narcotics because of their potential for dependence and harm. In addition, there is evidence to indicate that the use of these drugs may impair performance and reaction time, possibly resulting in injury to the student-athlete or others during athletic activity.

The third focus is on the consumption of alcohol. Alcohol is involved in over 90% of the undesirable behaviors observed among students on college campuses. Responsible alcohol consumption will be a focal point of the policy.

Education and counseling are the cornerstones of the policy. These activities are conducted to alert student-athletes and coaches to the potential harm of substance misuse. Education and counseling are supplemented with drug testing, since studies have shown that education alone is not a sufficient deterrent to drug use.

The NMU protocol for drug testing is designed to be fair, to achieve reliability of testing results, and to respect the privacy of the student-athlete. Test results are confidential to the extent permitted by law and become part of the student-athlete's medical record. Drug-testing results will not be released to anyone except in accordance with this policy or as otherwise required by law.

This policy and its administration are subject to modification by the Drug Education and Testing Committee (see **section VI.A.**), the Director of Athletics, or the President of NMU. Amendments proposed by the Drug Education and Testing Committee will be implemented if approved by the Director of Athletics and the President of NMU. Student-athletes will receive prompt notice of the relevant changes. Amendments to the policy will not take effect retroactively.

This is a physician-directed program and will be administered under the direction of

the Team Physician. This policy and its sanctions are concurrent with the NCAA Drug Testing Policy. This policy does not apply to participants in intramural athletics or club sports.

## **I. EDUCATIONAL COMPONENT**

A major component of this policy is education. There are two facets to the educational program: 1) explanation of NMU's drug education and testing program to student-athletes and others; and 2) dissemination of information to student-athletes and those associated with athletic teams regarding drugs, alcohol and tobacco misuse, and how such misuse may affect the student-athlete and his/her team and teammates.

### **A. Explanation of NMU's program to the student-athlete.**

1. A presentation will be made to each intercollegiate athletic team in order to outline and review this policy, its purposes and implementation, and sanctions for violating it.

2. A copy of this policy will be given to student-athletes at the beginning of each year. They will be asked to sign a form acknowledging receipt of the policy and consent to testing.

3. Any student-athlete who does not wish to sign the consent form may choose not to do so and forego participation in intercollegiate athletics. Student-athletes are free to refuse to consent to drug testing under this policy and to consult with others, including legal counsel, before signing the consent documents. However, student-athletes who refuse to be tested in accordance with this policy, which is designed to protect the health and welfare of the student-athlete, will not be permitted to participate in intercollegiate athletics at NMU and will, therefore, lose their athletically related financial aid.

### **B. Education of student-athletes and others about alcohol and other drugs.**

1. Attendance of the student-athlete at scheduled educational sessions is mandatory. Absence will be permitted only if approved by the student-athlete's head coach and the Assistant AD for Compliance. The student-athlete must attend a make-up discussion with the Assistant AD for Compliance for each absence.

2. Athletic trainers and other appropriate Department of

Athletics personnel, as determined by the Drug-Testing Site Coordinator and/or the Team Physician, should participate in these educational sessions. All coaches are expected to participate in at least one educational session each year.

3. Appropriate Department of Athletics personnel may be expected to attend NCAA drug and alcohol education seminars, and other, similar national clinics and seminars, and to participate in departmental drug education training sessions, in order to keep up-to-date on these issues.

## **II. COUNSELING COMPONENT**

The purpose of the counseling component of this policy is to provide assistance, direction, and resources for student-athletes who need support as a result of positive tests, physician referral, or self-referral.

A. Counseling will be provided by trained specialists identified by the Team Physician. Referrals will originate with the Team Physician, who shall be involved in developing an appropriate treatment plan. Counseling will be confidential. However, the student-athlete's counselor will inform the Team Physician of the student-athlete's progress and of any incidents of non-compliance.

B. Self-Reporting Drug Use – "Safe Harbor": Any student-athlete may refer himself/herself for evaluation or counseling by contacting their head coach, a member of the athletic training staff, or a Department of Athletics administrator.

1. A student-athlete may not initiate self-referral after he/she has been informed of their participation in an impending drug test.

2. The student-athlete's head coach will be notified, but there will be no team or administrative sanctions imposed upon the student-athlete for seeking professional help through self-referral.

3. A student-athlete will be permitted to remain in Safe Harbor for a reasonable period of time as determined by the treatment plan. However, the student-athlete may not return to participation in intercollegiate sports until the counselor has interviewed the student-athlete following the conclusion of the recommended treatment (or stage of treatment, as applicable) and has determined that re-entry into intercollegiate sports is appropriate. Additionally, a negative drug test may be required prior to returning to participation in

competition.

4. A positive subsequent test or failure to adhere to the treatment program will result in appropriate administrative sanctions consistent with a second positive test (or a third positive test if the student-athlete had previously failed a drug test prior to self-referral).

5. While in Safe Harbor, the student-athlete will not be included in the list of student-athletes eligible for institutional drug testing. However, a student-athlete in Safe Harbor will be eligible for selection for NCAA testing and for testing based upon reasonable suspicion.

6. While in Safe Harbor, a student-athlete is subject to testing throughout the 30-day period in 5 instances: 1) Upon entry into the Safe Harbor program; 2) upon exiting the Safe Harbor; 3) NCAA Drug Testing; 4) Reasonable Suspicion; and 5) if required as part of the treatment plan by the counselor.

7. Any and all costs associated with the assessment and any subsequent treatment, counseling or follow-up/re-entry testing may be the responsibility of the student-athlete. In all instances, the Department of Athletics reserves the right to determine the financial responsibility borne by the student-athlete. The decision will be made by the Director of Athletics.

8. Each student-athlete will be allowed one admittance into Safe Harbor, without sanction, during his/her period of athletics eligibility.

9. Self-referral does not exempt an athlete from NCAA sanctions in the event of NCAA year-round or championship testing.

### **III. DRUG TESTING COMPONENT**

#### **A. General Provisions.**

1. The testing program will consist of three types of testing:

- a) *Random testing for performance enhancing drugs;*
- b) *Random testing for cannabinoids and/or narcotics; and*
- c) *Reasonable suspicion testing for alcohol, cannabinoids and/or narcotics.*

2. The protocol for collection, chain of custody, and NMU's responses to positive tests shall be the same for both random and reasonable suspicion testing.

3. Records of test results are considered medical records and are confidential to the degree permitted by law. The records will be maintained by the Team Physician/athletic training staff, and released only under the circumstances allowed by this policy or as otherwise required by law.

**B. Random Testing**

1. Random drug testing will be conducted on an unannounced basis throughout the calendar year. The Drug Testing Site Coordinator or his/her designee will contact the student-athlete(s) selected for drug testing, and their coaches, by direct contact, telephone, or NMU e-mail account.

2. A computerized system or similar mechanism may be used to select student-athletes for testing on a random basis.

3. The Team Physician may require the collection of an initial specimen from each student-athlete as part of the annual pre-season medical screening.

**C. Drug Testing Based on Reasonable Suspicion and Past Positive Results.**

1. If there is a reasonable suspicion that a student-athlete is using alcohol or other drugs in violation of this policy, the student-athlete may be referred to the Team Physician for medical evaluation and/or testing.

2. "Reasonable suspicion" exists where an observable, articulable basis in fact indicates that a student-athlete is using alcohol or other drugs in violation of this policy.

3. Should the Director of Athletics and the Team Physician determine that reasonable suspicion exists, the student-athlete will be required to provide a specimen sample for testing.

4. The student-athlete may appeal (see **section III.G.2.**) the Director of Athletics and the Team Physician's decision that reasonable suspicion exists. If the student-athlete wishes to make

such an appeal, he/she shall immediately notify the Team Physician, and the specimen will be stored untested until the Appeals Committee (see **section III.G.1.**) has rendered a decision on whether reasonable suspicion existed.

5. All individuals with prior positive drug test results will be subject to unannounced drug testing through the remainder of the period they are eligible to participate in intercollegiate athletics.

6. All individuals who are assigned to drug testing by the Athletic Review Committee will be subject to unannounced drug testing through the remainder of the period they are eligible to participate in intercollegiate athletics.

D. Specimen Collection and Chain of Custody.

1. Upon notification, the student-athlete must present himself/herself at the specified collection site at the designated time for testing. Specimen collection will be carried out under the direction of the Drug-Testing Site Coordinator or designee.

2. Specimen collection will be carried out in a private area under the supervision and direct observation of the specimen collector.

3. Upon collecting the sample, the Drug-Testing Site Coordinator, or designee, will arrange for the specimen to be sent or taken to the appropriate laboratory with appropriate documentation of the chain of custody.

E. Notification of Positive Test Results.

1. The Team Physician, the Drug-Testing Site Coordinator, the student-athlete's head coach, the Director of Athletics, the designated Sport Administrator, and, if the student- athlete has one, his/her counselor will be informed of positive test results.

2. The Director of Athletics may notify the President.

3. The Director of Athletics, or designated Sport Administrator, will notify the Dean of Students for processing. The Student Code section of the NMU Student Handbook describes the adjudication procedures for and due process rights of students.

4. Reinstatement petitions and appeals can also result in the

disclosure of test results pursuant to this policy.

F. Sanctions for Positive Test Results.

1. Each head coach may have team rules regarding the misuse of drugs that may affect the eligibility for practice and competition of the student-athletes on his/her team. Such team rules may provide for sanctions that are more stringent than those required by this policy.

2. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in a banned drug class other than cannabinoids and narcotics (in accordance with the testing methods authorized by the Board of Governors), shall be subject to the following:

**a) *First positive test:***

(1) The student-athlete shall be ineligible for competition in all sports until he or she has been withheld from the equivalent of one season (the maximum number of championship segment regular-season contests or dates of competition in the applicable sport per Bylaw 17) of regular-season competition. The student-athlete must be otherwise eligible for competition to fulfill this penalty except a transfer student-athlete may fulfill a transfer residence requirement and a drug-testing penalty concurrently if he or she meets all other eligibility requirements;

(2) A student-athlete who tests positive during a year in which he or she did not use a season of competition, shall be charged with the loss of one season of competition in all sports. A student-athlete who tests positive during a year in which he or she used a season of competition, shall be charged with the loss of one additional season of competition in all sports (in addition to the season used) unless he or she uses a season of competition in the next academic year; and

(3) The student-athlete shall be ineligible for intercollegiate competition for 365 consecutive days after the collection of the student-athlete's positive drug-test specimen and until he or she tests negative pursuant to the NCAA Drug-Testing Program's policies and procedures.



**b) *Second positive test:***

(1) If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive a second time for the use of a substance in a banned drug class other than cannabinoids and narcotics, he or she shall lose all remaining regular- season and postseason eligibility in all sports.

(2) If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive for the use of a substance in the banned drug class cannabinoids and narcotics, he or she shall be ineligible for competition for 50 percent of a season in all sports (the first 50 percent of regular-season contests or dates of competition in the season following the positive test). The student-athlete shall remain ineligible until the prescribed penalty is fulfilled and he or she tests negative (in accordance with the testing methods authorized by the Board of Governors) pursuant to the policies and procedures of the NCAA Drug-Testing Program.

3. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug classes cannabinoids and narcotics (in accordance with the testing methods authorized by the Board of Governors) shall be subject to the following:

**a) *First positive test***

(1) The student-athlete shall be ineligible for competition during 50 percent of a season of competition in all sports (i.e., 50 percent of all contests or dates of competition in the season following the positive test). The student-athlete shall remain ineligible until the prescribed penalty is fulfilled and he or she tests negative (in accordance with the testing methods authorized by the Board of Governors) pursuant to the policies and procedures of the NCAA Drug-Testing Program.

**b) *Second positive test***

(1) If a student-athlete who previously tested positive for the use of a substance in the banned drug classes cannabinoids and narcotics tests positive a second time for the use of a substance in the banned drug classes cannabinoids and narcotics, he or she shall be charged with the loss of one additional season of competition in all sports, in addition to the use of a season, pursuant to Bylaw 14.2.4.1, if he or she has participated in intercollegiate competition during the same academic year. The student-athlete shall remain ineligible for all regular-season and postseason competition during the time period ending one calendar year (365 days) after the collection of his or her second positive drug-test specimen or until the period of ineligibility for any prior positive drug tests has expired, whichever occurs later.

(2) If or if a student-athlete who previously tested positive for the use of a substance in the banned drug classes cannabinoids and narcotics tests positive for use of a substance in a banned drug class other than cannabinoids and narcotics, he or she shall be charged with the loss of one season of competition in all sports, in addition to the use of a season, pursuant to NCAA Bylaw 14.2.4.1, if he or she has participated in intercollegiate competition during the same academic year subject to the penalties set forth in NCAA Bylaw 18.4.1.4.1.

4. NMU sanctions for cannabinoids or narcotics detected during testing at all times other than during NCAA Championships (see **Appendix A** for NCAA Banned Drug Classes):<sup>1</sup>

**a) First positive test:**

(1) In the event of a positive test, the Drug-Testing Site Coordinator will report the findings to the Director of Athletics, the designated Sport Administrator, and the Team Physician. The student-athlete will be required to participate in a meeting with the following as available: Director of Athletics (or designee), the designated Sport Administrator, the student- athlete's head coach, the Team Physician, and the Drug-Testing Site Coordinator.

(2) The student-athlete will be required to notify and inform his/her parents, or legal guardians, of the positive test while in the presence of the Drug-Testing Site Coordinator and his/her head coach.

<sup>1</sup> A positive marijuana test will be defined as 35 ng/mL. Other drugs will be considered positive at the NCAA and Substance Abuse for Mental Health Services Association (SAMHSA) standards.

(3) The student-athlete will be suspended<sup>2</sup> from 10% of all regularly scheduled competitions during the current championship segment, or the subsequent championship segment if the positive test occurs during the non-championship segment. If the positive test occurs at such a time that the 10% suspension is not completed by the end of the season in which the test occurred, the suspension will be carried over to the championship segment of the next sport season. If the positive test occurs during a student- athlete's red shirt year, suspension will occur during the next championship segment that student-athlete is eligible to participate.

(4) If the student-athlete receives athletically related financial aid, the student-athlete's scholarship will be reduced by .10 of a full equivalency scholarship in the subsequent year.

- (5) The student-athlete will be referred to a counselor for evaluation.
- (6) The student-athlete will be required to sign a release of information form to enable the Team Physician to check attendance at any counseling deemed necessary. The counselor will make the final determination on the number of counseling sessions necessary.
- (7) 20 hours of community service within the Department of Athletics with support staff personnel (e.g., Drug-Testing Site Coordinator, Equipment Manager, or facilities staff) must be completed by the student-athlete before the student-athlete can participate in intrasquad or intercollegiate competition.
- (8) The student-athlete will be subject to unlimited drug testing for the remainder of his/her eligibility at NMU from the date of a positive test.
- (9) The student-athlete must have consent from the Team Physician prior to returning to the team.
- (10) The student-athlete's head coach, with Director of Athletics or designated Sport Administrators approval, has the option to impose additional sanctions including, but not limited to, indefinite suspension, revoking team privileges, travel, dismissal from the team, and/or termination of some or all athletically related financial aid.
- (11) An unexcused absence from or refusal to complete any part of the sanctions above will be treated as a second positive test.
- (12) Any and all costs associated with the assessment and any subsequent treatment, counseling or follow-up testing may be the responsibility of the student-athlete.

<sup>2</sup> For the purposes of this policy, "suspension" from the intercollegiate athletics program means that the student-athlete may not participate in competition. Suspension normally begins at the time the student-athlete is notified of the positive test result, although student-athlete safety must be taken into consideration and the Team Physician along with the Director of Athletics, after receiving input from the student-athlete's head coach, have the discretion to determine the exact date that the suspension will begin.

**b) *Second positive test:***

- (1) In the event of a second positive test, the Drug-Testing Site Coordinator will report the findings to the Director of Athletics, the designated Sport Administrator, and the Team Physician.

(2) The student-athlete will be required to participate in a meeting with the following as available: Director of Athletics (or designee), the designated Sport Administrator, the student-athlete's head coach, the Team Physician, and the Drug-Testing Site Coordinator.

(3) The student-athlete will be required to notify and inform his/her parents, or legal guardians, of the positive test while in the presence of the Drug-Testing Site Coordinator and his/her head coach.

(4) The student-athlete will be suspended from 30% of all regularly scheduled competitions during the current championship segment, or the subsequent championship segment if the positive test occurs during the off- season, or non-championship segment of the season. If the positive test occurs at such a time that the 30% suspension is not completed by the end of the season in which the test occurred, the suspension will be carried over to the championship segment of the next season. If the positive test occurs during a student-athlete's red shirt year, suspension will occur during the next championship segment that student-athlete is eligible to participate.

(5) If the student-athlete receives athletically related financial aid, the student-athlete's scholarship will be reduced by .30 of a full equivalency scholarship in the subsequent year.

(6) The student-athlete will again be referred to a counselor for evaluation

(7) The student-athlete will be required to sign a release of information form to enable the Team Physician to check attendance at any counseling deemed necessary.

(8) The counselor will make the final determination on the number of counseling sessions necessary.

(9) 40 hours of community service within the Department of Athletics with support staff personnel (e.g., Drug-Testing Site Coordinator, Equipment Manager or facilities staff) must be completed by the student-athlete before the student-athlete can participate in intrasquad or intercollegiate competition.

(10) The student-athlete will be subject to unlimited drug testing for the remainder of his/her eligibility at NMU from the date of a positive test.

(11) The student-athlete's head coach, with Director of Athletics or designated Sport Administrator approval, has the option to impose additional sanctions including, but not limited to, indefinite suspension, revoking team privileges, travel, dismissal from the team, and/or termination of some or all athletically related financial aid.

(12) An unexcused absence from or refusal to complete any part of the sanctions above will be treated as a third positive test.

(13) Any and all costs associated with the assessment of any subsequent treatment, counseling or follow-up testing may be the responsibility of the student-athlete. In all instances, the Department of Athletics reserves the right to determine the financial responsibility of the student-athlete.

**c) *Third positive test:***

(1) In the event of a third positive test, the Drug-Testing Site Coordinator will report the findings to the Director of Athletics, the designated Sport Administrator, and the Team Physician.

(2) The student-athlete will be required to participate in a meeting with the following as available: Director of Athletics (or designee), the designated Sport Administrator, the student-athlete's head coach, the Team Physician, and the Drug-Testing Site Coordinator.

(3) The student-athlete will be required to notify and inform his/her parents, or legal guardians, of the positive test while in the presence of the Drug-Testing Site Coordinator and his/her head coach.

(4) Upon a third positive test result, the student-athlete will be dismissed permanently from the NMU Intercollegiate Athletics program.

(5) All athletically related financial aid will be terminated.

5. NMU sanctions for a positive cannabinoid test between 5-34 ng/mL.

a) In the event of a positive cannabinoid test that measures between 5-34 ng/mL, the Drug-Testing Site Coordinator will report the findings to the Director of Athletics, the designated Sport Administrator, and the Team Physician.

b) The student-athlete will be required to participate in a meeting with the following as available: Director of Athletics (or designee), the designated Sport Administrator, the student-athlete's head coach, the Team Physician, and the Drug- Testing Site Coordinator.

c) The student-athlete will be offered information about counseling.

d) The student-athlete will be subject to unlimited drug testing for the remainder of his/her eligibility at NMU from the date of a positive cannabinoid test that measures between 5-34 ng/mL.

e) The student-athlete's athletically related financial aid will not be terminated or reduced during the current academic year.

f) Any and all costs associated with the assessment and any subsequent treatment, counseling or follow-up testing may be the responsibility of the student- athlete.

G. Appeals.

1. The Appeals Committee shall be composed of the following individuals:

a) *Provost or designee;*

b) *Director of Public Safety and Police Services or designee; and*

c) *Health Center Medical Director or designee.*

2. A student-athlete may appeal (a) the Director of Athletics and Team Physician's determination that reasonable suspicion exists or (b) any sanction resulting from a positive drug test.

a) *A student-athlete desiring to appeal must file a written notice of appeal with the Director of Athletics within five business days of notification of a positive test result.*

b) *A hearing will be conducted by the three-person Appeals Committee listed above within five business days of the Director of Athletics receiving the student-athlete's written notice of appeal.*

c) *Evidence of the student-athlete's drug use and all positive test results will be presented to the Appeals Committee.*

d) *The student-athlete may argue that (a) reasonable suspicion for the testing did not exist or (b) that the proposed sanctions for a positive test are contrary to this policy.*

e) *The student-athlete may have an advisor from the NMU community (faculty, staff, or student) present at the hearing; however, the advisor cannot be a licensed or practicing attorney and may not play an active role in the hearing process.*

f) *The student-athlete will be given an opportunity to present evidence to support his or her contentions, call witnesses, or cross-examine other witnesses presented by the Team Physician (if any appear). The student-athlete will have the burden of proving that (a) no reasonable suspicion for the drug testing existed, or (b) the sanction imposed for a positive drug test was contrary to this policy.*

g) *The Appeals Committee will decide the appeal by majority vote within five working days of the hearing and will notify, in writing, the Team Physician or designee, the student-athlete, his/her head coach, and the Director of Athletics of its decision. The Director of Athletics may inform other NMU officials of the decision when the Director determines that the relevant official has a legitimate institutional interest in receiving the information.*

h) *The decision of the Appeals Committee is final and may not be appealed. A written record of the Appeals Committee's decision, including the evidence considered by the Appeals Committee, will be maintained by the Provost.*

#### **IV. TOBACCO USE**

##### **A. NMU Tobacco-free Policy**

1. Northern Michigan University is committed to providing a healthy environment for students, faculty, staff and visitors. In the hopes to promote a healthier lifestyle and safer campus NMU became a tobacco-free campus on August 1, 2014. The policy covers all university property and university-owned or operated vehicles. The only excluded areas include:

a) *Public sidewalks and roadways bordering the campus;*

b) *Personal vehicles driven or parked on campus that have the windows fully closed; and*

c) *NMU Golf Course.*

2. The tobacco-free policy prohibits the use of all tobacco products as defined by the American College Health Association, which includes all tobacco-derived or containing products, including cigarettes, vapor cigarettes (e-cigarettes), cigars, cigarillos, hookah-smoked products and oral tobacco (spit and spitless, smokeless, chew, snuff).

##### **B. NCAA Tobacco-free Policy**

1. The NCAA prohibits the use of any tobacco product by all game personnel and all student-athletes during practice and competition.

a) *NCAA Bylaw 11.1.5 (Division II), 11.1.4 (Division I) Use of Tobacco Products* - The use of tobacco products is prohibited by all game personnel (e.g., coaches, trainers, managers and game officials) in all sports during practice and competition. Uniform penalties (as determined by the applicable rules-making committees and sports committees with rules-making responsibilities) shall be established for such use.

b) *NCAA Bylaw 17.1.8 Use of Tobacco Products* - The use of tobacco products by a student-athlete is prohibited during practice and competition. A student-athlete who uses tobacco products during a practice or competition shall be disqualified for the remainder of that practice or competition.

## V. ALCOHOL USE

A. Possession and consumption of alcohol by minors in the State of Michigan is illegal. Accordingly, student-athletes under the age of 21 are expected to abide by State law and Northern Michigan University Policy. Responsible consumption or abstinence is expected from student-athletes 21 years of age or older. Student-athletes 21 years of age or older may not consume alcohol on the day of practice or competition until after practice or competition is complete for the day. Additionally, student-athletes 21 years of age or older are subject to the Northern Michigan University Alcohol Policy which precludes students from possessing, consuming or using alcohol on the campus of Northern Michigan University or while in or on any property belonging to or under the control of the University unless specified as permitted within the NMU Alcohol Policy. Any student-athlete who is found in violation of the Northern Michigan University Alcohol Policy or State law for consuming alcohol will be subject to the NMU sanctions for cannabinoids or narcotics listed under **section III.F.5. except sections III.F.5.a.4 and III.F.5.a.5.**

B. Each head coach may have team rules regarding the consumption and possession of alcohol which may affect the eligibility for practice and competition of the student-athlete on his/her team. Such rules may provide for sanctions that are more stringent than those required by this policy.

C. The following provisions are intended to assist student-athletes with alcohol related problems, provide treatment for student-athletes experiencing alcohol related problems, and provide a uniform policy relating to alcohol use by student-athletes.

1. Should a student-athlete be suspected of consuming alcohol prior to a practice or competition, the student-athlete will be referred to the Drug-Testing Site Coordinator. The Department of Public Safety and Police Services will be contacted and a breathalyzer test will be performed. If the test is positive, .02 or greater, or if the student-athlete refuses a breathalyzer test, the student-athlete will be withheld from practice or competition and subject to the NMU sanctions for cannabinoids or narcotics.

2. Self-Reporting Alcohol Use – “Safe Harbor”: If the student-athlete self-refers directly to a counselor for an alcohol misuse problem, the counselor will perform a substance abuse assessment. The Team Physician will be notified in writing of the results of the assessment, including any prescribed treatment plan.

## VI. DRUG EDUCATION AND TESTING COMMITTEE

A. The Drug Education and Testing Committee shall be composed of the following individuals:



1. Two Athletic Council representatives, appointed by Athletic Council Chair;
  2. The Counseling and Consultation Services Department Head;
  3. The Director of Athletics;
  4. The Senior Woman Administrator;
  5. The Assistant AD for Compliance;
  6. The Team Physician;
  7. The Dean of Students;
  8. Three coaches appointed by the Director of Athletics;
  9. The Drug-Testing Site Coordinator and one additional athletic trainer appointed by the Director of Athletics; and
  10. Two student-athletes from the NMU Student-Athletic Advisory Committee (SAAC) appointed by the Assistant AD for Compliance.
- B. The duties of the Drug Education and Testing Committee shall include:
1. Administrative responsibilities set forth in this policy.
  2. An annual audit of the drug testing program administered under this policy.
  3. Assessment of drug testing protocols and procedures and correction of identified irregularities.
  4. Submitting an annual report to the Athletic Council.
  5. Providing advice about drug education and testing to the Director of Athletics, Athletic Council, Drug-Testing Site Coordinator, head coaches, Team Physician, and student-athletes.



## APPENDIX A

### **2021-22 NCAA Banned Substances**

NCAA Division I Bylaw 12 and NCAA Divisions II and III Bylaw 14 require that schools provide drug education to all student-athletes. The athletics director or athletics director's designee shall disseminate the list of banned-drug classes to all student-athletes and educate them about products that might contain banned drugs. All student-athletes are to be notified the list may change during the academic year and that updates may be found on the NCAA website ([ncaa.org](http://ncaa.org)); and informed of the appropriate athletics department procedures for disseminating updates to the list. It is the student-athlete's responsibility to check with the appropriate or designated athletics staff before using any substance.

#### **The NCAA bans the following drug classes:**

1. Stimulants.
2. Anabolic agents.
3. Alcohol and beta blockers (banned for rifle only).
4. Diuretics and masking agents.
5. Narcotics.
6. Cannabinoids.
7. Peptide hormones, growth factors, related substances and mimetics.
8. Hormone and metabolic modulators.
9. Beta-2 agonists.

**Note:** Any substance chemically/pharmacologically related to all classes listed above and with no current approval by any governmental regulatory health authority for human therapeutic use (e.g., drugs under pre-clinical or clinical development or discontinued, designer drugs, substances approved only for veterinary use) is also banned. The institution and the student-athlete shall be held accountable for all drugs within the banned-drug class regardless of whether they have been specifically identified. Examples of substances under each class can be found at [ncaa.org/drug\\_testing](http://ncaa.org/drug_testing). There is no complete list of banned substances.

#### **Substances and Methods Subject to Restrictions:**

1. Blood and gene doping.
2. Local anesthetics (permitted under some conditions).
3. Manipulation of urine samples.

4. Beta-2 agonists (permitted only by inhalation with prescription).
5. Tampering of urine samples.

**NCAA Nutritional/Dietary Supplements:**

Before consuming any nutritional/dietary supplement product, review the product and its label with your athletics department staff. **Many nutritional/dietary supplements are contaminated with banned substances not listed on the label.**

1. Nutritional/dietary supplements, including vitamins and minerals, are not well-regulated and may cause a positive drug test.
2. Student-athletes have tested positive and lost their eligibility using nutritional/dietary supplements.
3. Any product containing a nutritional/dietary supplement ingredient is taken at your own risk.

Athletics department staff should provide guidance to student-athletes about supplement use, including a directive to have any product checked by qualified staff members before consuming. The NCAA subscribes only to Drug Free Sport AXIS™ for authoritative review of label ingredients in medications and nutritional/dietary supplements. Contact the Drug Free Sport AXIS at 816-474-7321 or [dfsaxis.com](http://dfsaxis.com) (password ncaa1, ncaa2 or ncaa3).

**THERE IS NO COMPLETE LIST OF BANNED SUBSTANCES.  
Do not rely on this list to rule out any label ingredient.**

Drug Classes	Some Examples of Substances in Each Class	
Stimulants	Amphetamine (Adderall) Caffeine (Guarana) Cocaine Dimethylbutylamine (DMBA; AMP) Dimethylheylamine (DMHA; Octodrine) Ephedrine Heptaminol Hordenine Methamphetamine	Methylhexanamine (DMAA; For thane) Methylphenidate (Ritaline) Mephedrone (Bath Salts) Modafinil Octopamine Phenethylamines (PEAs) Phentermine Synephrine (Bitter orange)
Anabolic Agents	Androstenedione Boldenone Clenbuterol Methasterone Nandrolone Norandrostenedion	

Exceptions: Phenylephrine and Pseudoephedrine are not banned.

	DHCMT (Oral Turinabol) DHEA (7-Keto) Drostanolone Epitrenbolone Eticholanolone Methandienone	Oxandrolone SARMS [Ligandrol (LGD-4033); Ostarine; RAD140; S-23] Stanozolol Stenbolone Testosterone Trenbolone
Alcohol and Beta Blockers (banned for rifle only)	Alcohol Atenolol Metoprolol Nadolol	Pindolol Propranolol Timolol

Diuretics and Masking Agents	Bumetanide Chlorothiazide Furosemide Hydrochlorothiazide	Probenecide Spironolactone (canrenone) Triameterene Trichlormethiazide
	Exceptions: Finasteride is not banned.	
Narcotics	Buprenorphine Dextromoramide Diamorphine (heroin) Fentanyl, and its derivatives Hydrocodone Hydromorphone Methadone	Morphine Nicomorphine Oxycodone Oxymorphone Pentazocine Pethidine
Cannabinoids	Marijuana Synthetic cannabinoids (Spice; K2; JWH-018; JWH-073) Tetrahydrocannabinol (THC)	
Peptide Hormones Growth Factors, related substances and mimetics	Growth Hormone (hGH) Human Chorionic Gonadotropin (hCG) Erythropoietin (EPO)	IGF-1 (colostrum; deer antler velvet) Ibutamoren (MK-677)
	Exceptions: Insulin, Synthroid and Forteo are not banned.	
Hormone and Metabolic Modulators	Aromatase Inhibitors [Anastrozole (Arimidex); ATD (androstatrienedione); Formestane; Letrozole] Clomiphene (Clomid) Fulvestrant GW1516 (Cardarine; Endurobol) SERMS [Raloxifene (Evista); Tamoxifen (Nolvadex)]	
Beta-2 Agonists	Bambuterol Formoterol Higenamine	Norcoclaurine Salbutamol Salmeterol

**Any substance that is chemically related to one of the above classes, even if it is not listed as an example, is also banned.**

**It is your responsibility to check with the appropriate or designated athletics staff before using any substance. Many nutritional/dietary supplements are contaminated with banned substances not listed on the label.**

Information about ingredients in medications and nutritional/dietary supplements can be obtained by contacting Drug Free Sport AXIS at 816-474-7321 or [dfsaxis.com](https://dfsaxis.com) (password ncaa1, ncaa2 or ncaa3).

## **APPENDIX B**

### **ACKNOWLEDGMENT OF 2021-22 STUDENT-ATHLETE DRUG EDUCATION AND TESTING POLICY AND CONSENT FOR DRUG TESTING**

I, \_\_\_\_\_, was present (virtually, or in person) at my team certification meeting. I received an electronic copy of the Northern Michigan University Student-Athlete Drug Education and Testing Policy.

I hereby consent to have specimens collected and tested for the presence of prohibited drugs in accordance with the provisions of the Northern Michigan University Student-Athlete Drug Education and Testing Policy. I understand that samples are sent to outside laboratories for actual testing.

I authorize the release of all information and records, including test results, relating to the testing of my specimen sample(s) to those individuals specified in the Northern Michigan University Student-Athlete Drug Education and Testing Policy. They include, but are not limited to, my head coach, the Team Physician, the Drug-Testing Site Coordinator, and the Director of Athletics.

I waive any privilege or right to privacy I may have in connection with the release of such information and records to those individuals. I release NMU, its Board of Trustees, its officers, employees, and agents from legal responsibility or liability for the release of such information and records to those individuals.

**I understand that I may choose not to sign this form. If I do not sign this form, I understand that I will not be able to participate in intercollegiate athletics at NMU and that I will, therefore, have to forfeit my athletically related financial aid.**

Date: \_\_\_\_\_

Student-Athlete Signature

Student-Athlete Printed Name:

Date: \_\_\_\_\_

Parent Signature (if student is under 18):

Parent Printed Name:

**Appendix L**  
**Student Handbook**

Date Approved: 8-8-2003

Last Revision: 7-31-2020

Last Reviewed: 7-31-2020

Approved By: Board of Trustees

Oversight Unit: DEAN OF STUDENTS

**Purpose**

Explain in detail the student rights & responsibilities, student expectations, student code & policies.

**Applicability**

The student handbook applies to all students, with certain sections applicable to visitors hosted by a student.

**Northern Michigan University Student Handbook:**

**Student Rights and Responsibilities**

**Student Code**

**University Policies and Related Documents**

**Full document revised and approved by the Board of Trustees of Northern Michigan University August 8, 2003**

**Part I revised and approved by the Board of Trustees of Northern Michigan University May 1, 2015**

**Part II revised and approved by the Board of Trustees of Northern Michigan University July 31, 2020**

Northern Michigan University does not unlawfully discriminate on the basis of ancestry, race, color, ethnicity, religion or creed, sex or gender, gender identity, gender expression, genetic information, national origin, age, height, weight, marital status, familial status, handicap/disability, sexual orientation, military or veteran status, or any other characteristic protected by federal or state law in employment or the provision of services. NMU provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

Students with discrimination concerns should contact the Dean of Students Office, 2001 C.B. Hedgcock Building (227-1700). Students with concerns relating to the Americans with Disabilities Act should contact the ADA Coordinator, 2001 C.B. Hedgcock Building (227-1700).

## **Northern Michigan University**

### **Shared Expectations**

#### **We expect our University to:**

- provide courses taught by knowledgeable faculty who are effective teachers;
- provide academic resources which support the teaching and learning processes;
- make available clear information about majors, program requirements, courses offerings, etc.;
- offer courses at sufficient frequency and times to encourage timely completion of degrees or programs;
- offer good value for students' dollar spent;
- maintain a safe, clean, friendly and civil environment, free from harassment and discrimination; and
- encourage student involvement in University governance.

#### **We expect our faculty and staff to:**

- provide services consistent with the University's mission, and admissions policy;
- use effective teaching approaches which model freedom of expression, set high performance standards, and provide early and frequent feedback to students;
- provide competent and caring service, ensuring students' rights to confidentiality;
- be available to students enrolled in their classes and programs for consultation and to advisees for assistance with academic planning; and
- model respect for diversity including, but not limited to, race, culture, opinion, and other human differences.

#### **We expect our students to:**

- attend and fully participate in all classes for which they are enrolled;
- know the requirements for graduation and for their academic majors, and monitor their progress toward meeting those requirements;
- seek timely assistance from their academic advisers as needed;
- use academic resources and support services responsibly;
- participate in surveys, focus groups, and other requests for feedback regarding the quality and nature of University services and instruction;
- enhance classroom learning through involvement in lectures, performing arts programs, study groups, and student organizations; and

- exercise their freedoms consistent with the mission and values of an educational institution.

## **Preface**

The contents of this publication are divided into two sections: Part 1: Student Rights and Responsibilities and Part 2: Student Code. These documents are interrelated, yet they retain distinct identities and purposes.

## **Student Rights and Responsibilities**

Part 1 of this publication, Northern Michigan University's statement of Student Rights and Responsibilities, addresses students' rights and duties as well as institutional responsibilities pertaining to academic and administrative matters. The document also describes the procedure for the resolution of grievances relating to academic and administrative matters, including the areas of grading and academic dishonesty. Students' rights and freedoms outside of the classroom are addressed also.

The rights and responsibilities outlined in Part 1 of this document shall not be construed to alter other rights and responsibilities inherent in the basic educational philosophy of the University.

## **Student Code**

The Northern Michigan University Student Code is intended to inform the Northern Michigan University community about the acceptable standards of student behavior. The Student Code is contained in Part 2 of this publication. It lists the University's regulations, created through the input of students, faculty, and staff, which govern student behavior. The last section of the Student Code describes the student conduct procedures for and due process rights of students who are charged with violations of the stated regulations.

## **University Policies and Related Documents**

Policies and related documents are contained in the university policy database. [Click here for link.](#)

## **Periodic Review of Student Handbook**

This Student Handbook shall be reviewed every three years by the Dean of Students or designee. The Dean of Students shall obtain input from students and departments responsible for the information contained in this handbook. The Dean of Students may also obtain input from other individuals as appropriate. Any changes recommended by the Dean of Students are subject to the final approval of the Board of Trustees.



## Complaints, Exceptions and Appeals

Northern Michigan University endeavors to establish policies and regulations which ensure that the living and learning environment of the academic community is free from disruption. The University attempts to establish procedures, practices, and processes which assist in the orderly pursuit of the mission of the institution. These publications are available by visiting <https://nmu.edu/policies>.

The University also recognizes that some complaints and grievances will inevitably arise. To address these, the University has created procedures for students to register complaints and grievances and receive a reasoned response to the issues which they bring forward.

A number of processes for resolution of specific issues are provided in existing policies and regulations. Students are expected to initiate such processes themselves. The table below describes the most common issues which arise, the appropriate initial contact person or office, and the document which contains the formal process for resolving the issue.

In those instances where no formal resolution process has been established, or it is unclear what process applies to a given circumstance, the “Complaint Other Than Grades” section of the *Student Rights and Responsibilities* document contained within this publication will govern resolution. Any questions about the application of this process, or the appropriate process to resolve any complaint or appeal should be directed to the Dean of Students Office.

Members of the University community having questions about student complaint resolution process should contact the **Dean of Students Office, 2001 C.B. Hedgcock Building, 227-1700, or by email at [dso@nmu.edu](mailto:dso@nmu.edu)**.

Issue Is About	Issue Is	Initial Contact Point or Person	Procedure Found In
<b>Civil Rights Issue</b>	Complaint or Grievance	Equal Opportunity Office	Discrimination/Complaint Procedure
<b>Classroom Instruction</b>	Complaint or Grievance	Faculty member, Department Head	Departmental By-Laws or Faculty Contract
<b>Disability</b>	Complaint or Grievance	Dean of Students	Discrimination/Complaint Procedure
<b>Drop, Add, or Withdrawal Deadline</b>	Exception to Policy	Dean of Students Office	Undergraduate or Graduate Bulletin
<b>Drop or Withdrawal</b>	Complaint		
<b>Refund</b>	Appeal		

<b>Financial Aid</b>	Complaint or Grievance	Director of Financial Aid	Financial Aid Rights and Responsibilities
	Appeal	Financial Aid Appeals Committee	
<b>Grades</b>	Complaint or Grievance	Faculty member, Department Head	Student Rights and Responsibilities
	Appeal		
<b>Housing</b>	Complaint or Grievance	Resident Director	Residence Life Homepage
	Exception to Policy Appeal	Housing and Residence Life Office	Housing Requirement
<b>Parking</b>	Complaint or Grievance	Parking and Traffic Committee	Motor Vehicle Ordinances
	Exception to Policy	NMU Police Department	
	Appeal		
<b>Residency for Tuition Purposes</b>	Apply for Change in Status Appeal	Prospective Students: Admissions	Undergraduate or Graduate Bulletin
		Continuing Students: Registrar	
<b>Sexual Harassment</b>	Complaint or Grievance	Equal Opportunity Office/ Dean of Students	Sexual Harassment Policy
<b>Student Employment</b>	Complaint or Grievance	Immediate Supervisor	Student Employment Handbook
<b>Student Conduct</b>	Complaint or Appeal	Dean of Students Office	Student Code
<b>Concern Not Listed Here</b>	Complaint or Grievances	Dean of Students Office	Student Rights and Responsibilities
	Exception to Policy		
	Appeal		

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined in this document are essential

to any community of scholars. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. To protect the freedom of students to learn, as well as enhance their participation in the life of the academic community, students should be free from exploitation or harassment.

The responsibility to secure and respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university should develop policies and procedures to provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and by the members of the academic community. The purpose of this handbook is to list the essential provisions for student freedom to learn at Northern Michigan University.

## **1.1 Academic and Administrative Rights and Responsibilities**

The provision of appropriate conditions and opportunities for learning is an important measure of the quality of an educational institution. The University assumes a number of essential responsibilities to achieve academic excellence and preserve the ideals of academic freedom for students. As members of the academic community, students similarly accept certain responsibilities.

### **1.1.1 Instruction and Academic Evaluation**

#### **.01 Institutional Responsibility**

The University should offer a wide variety of courses and degree programs that assure the preservation and extension of our cultural, social, and political heritage. Courses and programs should be offered that are relevant not only to the varied interests and abilities of the student body but also to the changing needs of society. Qualified faculty and adequate facilities, equipment, and materials should be provided to support instructional programs. The University also has the responsibility to provide instruction that correlates closely with approved descriptions as published in the current and supplementary documents.

## **Part 2: Student Code**

### **2.0 Philosophy**

Admission into the University community is both voluntary and optional, and obligates each student to abide by the regulations established by the University. It is intended that these regulations will further the educational mission of the University by providing an environment conducive to the personal growth and development of students. These regulations may not, however, be unreasonable or forbid the exercise of a right guaranteed by applicable federal, state, and local laws.

Northern Michigan University is committed to maintaining a learning environment where all persons feel safe to carry out the University's mission and goals. The University is an institution that values the safety of each individual in its community.

The University has developed a Campus Assessment Team to improve community safety through collaborative, coordinated, objective, thoughtful approaches to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, an actual risk of serious harm to the safety, security, and well-being of others within the University or University community. The Team will review and evaluate information regarding concerns or issues involving threats to the University community by University students, and will act, as necessary, to protect the community and its members.

All students are expected to follow Northern Michigan University's conduct policies. Where a student (1) violated the University's rules and regulations as outlined in the Student Code, (2) engages in behavior that substantially impedes the lawful activities, educational process, or other proper activities or functions of other members of the University community, or (3) poses an actual risk of serious harm to others within the University or to the University community, the student may be subject to disciplinary action up to and including involuntary withdrawal pursuant to the Student Conduct Process.

## **2.1 Definitions**

For the purposes of the Student Code, the following definitions apply:

.01 ADMINISTRATIVE HEARING means a meeting with a conduct administrator during which the conduct incident will be reviewed and the respondent will be provided the opportunity to accept responsibility for the Student Code charges, and be issued a sanction, or deny responsibility and participate in a conduct board hearing.

.02 COMPLAINANT means any person who reports that a student is alleged to have violated this Student Code.

.03 CONDUCT ADMINISTRATOR means an NMU official authorized to administer the student conduct process, including impose sanctions upon any student(s) found to have violated the Student Code.

.04 CONDUCT BOARD means persons authorized to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when it has been determined a rules violation has been committed.

.05 FACULTY MEMBER means any person hired by the University to instruct classes, or assist with instruction of classes.

.06 MEMBER OF THE UNIVERSITY COMMUNITY includes any person who is a student, faculty member, University official or any other person employed by the University, and persons who reside in NMU housing facilities.

.07 RESPONDENT means any student accused of violating this Student Code.

.08 SEXUAL MISCONDUCT REVIEW BOARD Contact the Equal Opportunity Officer and Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct.

.09 STUDENT includes all persons enrolled for credit bearing courses through or at NMU, both full-time and part-time, and those who attend educational institutions other than NMU but reside in NMU housing facilities. Participants of the Olympic Training Site are considered students. Persons who are not officially enrolled for a particular semester but whose NMU record indicates a continuing relationship with the University are considered students. Persons who have been admitted to NMU but have not yet enrolled for courses are considered students.

.10 UNIVERSITY means Northern Michigan University.

.11 UNIVERSITY OFFICIAL includes any person employed by NMU performing assigned responsibilities.

.12 UNIVERSITY PREMISES include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, and thoroughfares frequently used by students (including adjacent streets and sidewalks).

## **2.2 Purpose**

In order for the student conduct system to function effectively, members of the University community must know the standards expected of students and the process for resolving alleged violations of the Student Code. Sections 2.4 through 2.7 outline procedures for dealing with alleged violations of the Student Code and inform students of their procedural due process rights.

The present Student Code is a revised edition of the 2016 version and was developed by the professional staff from the Dean of Students Office in cooperation with a committee consisting of members of the Conduct Boards, Housing and Residence Life, Center for Student Enrichment, Dining Services, NMU Police Department, Provost's Office, faculty, staff, and the Associated Students of Northern Michigan University (ASNMU). Any part of this document may be revised by action of the Northern Michigan University Board of Trustees.

Recommended revisions of the Student Code are forwarded to the Provost and the President. The President shall submit recommended revisions directly to the Board of Trustees. The Dean

of Students Office is authorized to make changes to names, titles, references, or other non-substantive information.

### **2.3 University Regulations**

Jurisdiction of the Northern Michigan University Student Code:

Standards of behavior are developed by institutions of higher education for the purpose of furthering educational objectives. These standards, commonly referred to as student regulations, may apply to behavior off-campus as well as on-campus. Violations of the regulations set forth by the University may result in disciplinary action by the University. Criminal prosecution may also be pursued by law enforcement authorities. The Northern Michigan University Student Code shall apply to conduct that occurs on University premises, at University-sponsored activities, and to off-campus conduct. The University may take action in off-campus situations involving flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its mission. Each student shall be responsible for their conduct from the time of admission through the actual awarding of the degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during break periods between terms of actual enrollment (and even if their conduct is not discovered until after the degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students may recommend the student conduct process proceed regardless of withdrawal, particularly in cases involving willful homicide, sexual misconduct, dating violence, domestic violence, stalking, robbery, burglary, aggravated assault, larceny, motor vehicle theft, and arson. The Dean of Students, or designee, shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion.

Authority:

Authority for the enactment of student regulations is vested in the Northern Michigan University Board of Trustees. The Board delegates powers to the President, who in turn shares with specified officers of the University, the faculty, and student body the responsibility to develop recommendations regarding student regulations. Student regulations adopted by the Northern Michigan University Board of Trustees are stated below. Regulations which are developed and approved shall be considered to be part of the Student Code. Newly-approved regulations shall be updated on-line upon their adoption.

Sanctions:

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be imposed independently or in combination depending on the

particular circumstances of the violation. Severe and/or multiple violations shall increase the severity of sanctions applied. The sanctions are defined in Section 2.7 of this document.

#### Responsibility for Living Space and Property:

Students at Northern Michigan University are responsible for the behavior exhibited, and contents, within their assigned living space or property in their control.

#### Responsibility for Guests:

Students at Northern Michigan University are responsible for their guests' compliance with University rules and regulations. Students may be charged through the NMU student conduct process for violations of the Student Code by their guests.

#### Student Code Interpretation:

Any question of interpretation or application of the Student Code shall be referred to the Provost, or designee, for final determination.

### **2.3.2 Alcoholic Beverages: Possession or Use of**

Students shall not illegally consume, possess\*, manufacture, or distribute alcoholic beverages. Students shall not possess\*, consume, or use alcohol on University premises except as permitted by University policy.

\*Possess: Under Michigan law it is illegal for anyone under the age of 21 to purchase or attempt to purchase, consume or possess, or have any bodily content of alcohol.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy. Please visit (<http://www.nmu.edu/policies>) for details.

#### **2.3.12 Drugs: Possession, Use or Sale**

Students shall not possess, use, distribute, share, sell or manufacture illegal drugs, or other controlled substances\* except as permitted by law. Drugs confiscated by University officials will be destroyed and not returned to a student.

\*Controlled substances: Federal and state laws regulate the manufacture, sale, distribution, use and disposal of these substances. Examples: narcotics, stimulants, depressants, hallucinogens, anabolic steroids, and chemicals used in production.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy. Please visit (<http://www.nmu.edu/policies>) for details.

Although possession and use of marijuana, for adults over the age of 21 and/or persons possessing a medical marijuana card, is no longer a crime under Michigan law, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana in any form is prohibited on campus and/or on any property owned, leased or operated by NMU, including NMU student housing.

For questions or concerns, contact the Dean of Students Office.

## **2.4 Student Conduct Process**

### **2.4.1 Introduction**

Students make many decisions regarding their behavior and these decisions must not conflict with the University's expected standards of behavior. However, when a student violates those standards, then an appropriate sanction must be imposed by way of a student conduct process.

The student conduct process and any resultant action serves to assist the student in recognizing and correcting behavior that is incompatible with the norms of the University community, and hopefully to deter others from making inappropriate decisions. When a student's action demonstrates that basic standards of behavior have not been met or that the best interests of the student and the University cannot be served by the student's continued enrollment, the University is obligated to separate the student from the University community.

The responsibility for resolving alleged violations of the Student Code at Northern Michigan University is delegated by the Board of Trustees to the President who delegates it to the Provost. It is then delegated to the Dean of Students or designee, members of the conduct board, and the Sexual Misconduct Review Board.

The Sexual Misconduct Review Board will hear cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking. Contact the Equal Opportunity Officer and Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct.

In order to fulfill this responsibility for all other alleged violations of the Student Code, the student conduct process is designed to meet essential standards of reasonableness and fairness. Therefore, procedural requirements of due process as outlined in the following sections have been established to ensure that every student receives equitable and judicious treatment if charged with a violation of the Student Code. Conduct boards serve to provide the student charged with a hearing by impartial persons if the student denies the charges. However, it should be clearly understood that they do not sit as courts of law and are not restricted by the legal rules of evidence and procedure, since they hold administrative hearings which allow flexibility and the reasonable use of discretion.



The student conduct process described herein governs the implementation of the process for adjudicating alleged violations of the Student Code. Any questions regarding the student conduct process, the Student Code, or any aspect of the Student Conduct Program, should be referred to the Dean of Students Office.

#### **2.4.2 Description of an Incident**

Any member of the University community may submit a report against a student for violations of the Student Code. A description of an incident shall be prepared in writing. The report should contain the name(s) of the student(s) accused of the violation, a detailed description of the behavior that violated the Student Code, and the name and contact information of the University community member writing the report. Any report should be submitted as soon as possible after the event takes place, and within one calendar year of the date of the incident. Exceptions to the calendar year deadline will be considered by the Dean of Students or designee.

A description of an incident pertaining to a situation which occurred in the residence halls, University apartments or adjacent areas should be submitted to a residence life staff member. All other situations should be submitted to the Dean of Students Office. All crimes should be reported to the NMU Police Department.

Once a description of an incident is received, it will be determined through the student conduct process whether the alleged violation occurred.

#### **2.4.3 Complaint is Adjudicated**

.01 The respondent will receive, in writing, a list of one or more sections of the Student Code alleged to have been violated and a brief description of the alleged violation(s). Such notice will be considered received by the student if it is delivered in person, by mail or by NMU email.

.02 The respondent will receive, in writing, the date, time, and location of an administrative hearing with a conduct administrator to discuss the incident. The respondent shall be notified in writing 48 hours prior to the scheduled administrative hearing. Such notice will be considered received by the student if it is delivered in person, by mail or by NMU email. The respondent may voluntarily waive the 48 hours and request to meet sooner with the conduct administrator at their earliest convenience.

.03 During the administrative hearing, the respondent will be advised of the information and/or evidence against him/her and given an opportunity to be heard in their own defense.

.04 The respondent may accept responsibility for the alleged violation(s) and a sanction will be issued. Sanctions shall be selected from those stated in Section 2.7 of the Student Code. It is at the discretion of the administrator who conducts the administrative hearing to combine

sanctions for multiple violations, and review the student's past violations of the Student Code, if any, and academic progress; and to interview University employees having knowledge of the respondent so that appropriate sanctions and special conditions may be selected. The student will receive a copy of the sanction in writing electronically by NMU email or hard copy.

.05 The respondent may deny responsibility for the alleged violation(s) or stand mute, in which case the conduct administrator shall refer the case to one of the conduct boards.

#### **2.4.4 Conduct Board Hearing Procedures**

.01 The conduct board hearing shall begin with a reading of the Specification of Charges by the chairperson. The information pertaining to the charges shall be presented and considered even if the respondent or complainant is not present. The respondent shall respond to the matters contained in the charges by affirming, or denying each item as it is read.

.02 If the respondent affirms the truth and accuracy of all items in the Specification of Charges, then the conduct board will:

- Note the affirmative plea after each item presented in the Specification of Charges.
- Hear any information in mitigation of the Student Code violation(s) that will enable the conduct board to select an appropriate sanction.
- Decide upon any appropriate sanction(s) provided in the Student Code.
- Return the Specification of Charges to the Dean of Students Office with a notation of the pleas, conduct board decision(s), and a statement of the sanction imposed. The sanction letter shall be signed by the chairperson of the conduct board.

.03 If the respondent denies the truth or accuracy of any part of the Specification of Charges the hearing shall proceed in the following manner:

- The complainant (see 2.4.5.09) and witnesses who support the complaint shall be called individually to share information with, and shall then be questioned by, the conduct board.
- The respondent shall present their response by sharing information with the conduct board, answering questions from the conduct board, and then identifying witnesses, if any, capable of sharing information related to the incident on the respondent's behalf. These witnesses may also be questioned by the conduct board.
- The respondent and witnesses for the respondent shall have the right to question the complainant and the complainant's witnesses and to examine information presented in connection with the incident. The complainant and witnesses shall have the right to question the respondent and the respondent's witnesses and to examine information presented in connection with the incident. All questions must be relevant to the case being decided, and relevancy shall be decided by the chairperson of the conduct board.

- Summary statements are permissible at the close of all questioning by all of the involved parties except support persons and attorneys and shall be directed to the conduct board. Any further questions from the conduct board shall then be asked.
- After the fact-finding portion of the hearing is concluded, the conduct board shall go into closed session.
- Decision: The truthfulness of each factual allegation appearing in the Specification of Charges shall be termed a “question of fact” for the purposes of the student conduct process. After resolving all questions of fact, the conduct board shall decide whether each item and charge of the Specification of Charges has been established by a preponderance of the evidence; that it is more likely than not that the respondent violated the Student Code.
- If the conduct board finds that the items affirmed are sufficient to constitute any violation, they shall assess a sanction(s) provided in the Student Code. It is at the discretion of the conduct board to combine sanctions for multiple violations and to review the student’s past violations of the Student Code, if any, and academic progress, and to interview University employees having knowledge of the respondent so that appropriate sanctions and special conditions may be selected.

#### **2.4.5 Rules of Procedure in the Conduct Process**

Contact the Equal Opportunity Officer and Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct.

This section does not apply to cases on appeal.

The rules provided in Section 2.4.5 of the student conduct process shall apply to administrative hearings and conduct board hearings. The Dean of Students or designee shall establish the procedures to be followed in hearings.

.01 The respondent and complainant shall be entitled to a hearing by impartial persons.

.02 Requests to postpone a scheduled hearing due to extenuating circumstances, by the respondent or complainant, must be made in writing to the Dean of Students or designee at least 24 hours in advance of the hearing. That person may approve or deny the request based on verification of the extenuating circumstances. Hearings will not be postponed due to scheduling conflicts of witnesses, support persons, or attorneys. In cases in which an examination period or break period interferes, such hearings will be held as soon as possible when classes are again in session.

.03 On rare occasions the conduct board may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, electronic recording, video conferencing, audio tape, written statement, or other means, as determined appropriate by the Dean of Students or designee.

.04 A member of the Dean of Students' staff shall be present at conduct board hearings as a procedural adviser and chairperson of the hearing. The chair shall ensure that established procedures are followed and to rule on the relevancy of any line of questioning. The chair shall be allowed to ask questions of all participants throughout the hearing. If part or all of the Specification of Charges is affirmed by the conduct board, the chair may contribute pertinent information in the sanction assessment stage. Pertinent information may include past violations of the Student Code, if any, and academic progress. The chair may also be interviewed by the conduct board if there is any particular knowledge to be given that may assist the conduct board in assessing a sanction or selecting a special condition. After the decisions of the conduct board have been made, the Dean of Students Office will maintain records and be responsible for all communication pertaining to the case.

.05 The respondent and complainant shall be entitled to be present at the hearing during the consideration of any matters on which a decision to affirm or deny an item or charge on the Specification of Charges may be based. This excludes private deliberation by the conduct board.

.06 The respondent and complainant shall be entitled to present their case through statements, questions, witnesses, and other forms of information. The complainant and respondent shall provide the Dean of Students or designee with a written list of witnesses at least 24 hours in advance of the hearing. It is the responsibility of the complainant and respondent to identify witnesses and ensure their presence at the hearing. Witnesses must have relevant information regarding pending charges against the student.

.07 Pertinent records, exhibits, and written statements (including impact statements) may be accepted as information for consideration by a conduct board at the discretion of the chairperson. Records and documents that will be considered during a hearing will be made available to the conduct board but names or personally identifiable information may be redacted to protect the privacy rights of individuals not directly involved in the process. Records and documents that will be considered during a hearing will be made available for review by the respondent and the complainant at their request prior to or during the hearing.

.08 Witnesses may be kept in separate areas prior to and during the hearing. The witnesses shall remain in the hearing room after they have shared their information with the conduct board. The names of all witnesses shall be available upon request to the conduct board, respondent, and complainant prior to the hearing.

.09 The respondent and complainant shall be entitled to be accompanied by a support person of their choice; a support person shall be a member of the faculty, staff, or student body of the University. A support person shall not be a licensed or a practicing attorney. A support person is not permitted to speak on behalf of the complainant/ respondent unless otherwise directed to do so by the chair. The support person must be someone who is not identified as a witness who will provide testimony in the case.

The conduct administrator or members of the conduct board may question the respondent and complainant directly, and the respondent and complainant shall answer directly to the conduct administrator or conduct board. If more than one student is charged in connection with the same situation or occurrence, then a support person for one such student cannot be another student who is charged. In addition, anyone acting as a witness in a case may not act as a support person for another in the same case.

.10 The student charged may refuse to answer questions. Other witnesses shall be required to answer all questions asked of them unless their answers would tend to incriminate them under any provisions of the Student Code.

.11 All hearings are closed to the public. Persons in attendance at hearings shall be limited to:

- the members of the conduct board, including chairperson;
- the respondent, complainant and their support persons;
- witnesses, and
- individuals who are authorized to attend by the chairperson to the conduct board.

.12 Admission or removal of any person to or from the hearing shall be at the discretion of the student conduct administrator and/or chairperson to the conduct board.

.13 When a student is accused of violating the Student Code, and criminal charges are pending against the student, an attorney may be present at the student's expense. In such cases, the role of the attorney is limited and passive. They cannot actively participate in the hearing or ask questions. Their role is to advise the student regarding self-incrimination and to observe the proceedings. All communication regarding the student conduct process will be directed to the student. Contact the Equal Opportunity Officer and Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct.

.14 Disciplinary proceedings involving a student charged with conduct that potentially violates both the criminal law and the Student Code will proceed without regard to pending civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to the violation of University rules were dismissed, reduced, or resolved in favor of or against the student.

.15 Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

.16 There shall be a single verbatim record, such as an audio recording, of all hearings before a conduct board conducted only by the University. Deliberations shall not be recorded. The record shall be the property of the University. The University may require that the record remain in its custody; provided, however, that the respondent and complainant have access to the record for all purposes relating directly to any appeals within the University.

.17 Conduct board hearings will proceed regardless of the failure of a student charged or complainant to appear. In all cases, the information in support of the charges shall be considered.

.18 The conduct board or conduct administrator has the right to amend any item on the Specification of Charges for purposes of clarification or consistency, so long as such amendment will not have the effect of adding any substantive allegation to the Specification of Charges. Students are informed of any amendments and amendments are noted in the conduct file.

.19 Decisions of the conduct board to affirm or deny any particular item or charge on the Specification of Charges shall be made on the basis of matters considered at the conduct board hearing.

.20 The conduct board's standard of proof is preponderance of the evidence. The conduct board shall decide, by majority vote, whether the evidence shows that it is more likely than not that the respondent violated the Student Code.

.21 If the respondent is found responsible for the charge(s), then they shall be entitled to written notice of the findings of the hearing, and related documents will remain part of the student's official conduct record. If the respondent is found not responsible for the charge(s), then related documents and records will not remain part of the student's official conduct record.

.22 The respondent, complainant, and the Dean of Students or designee have the right to appeal any decision of a conduct board (based on error of procedure or fact) or to request leniency of a penalty. Should such an appeal or request for leniency be made, any sanction issued by the conduct administrator or conduct board shall be held in abeyance until acted upon by the appropriate appeal board or reviewing official.

.23 Hearings involving more than one respondent for the same incident may be conducted either separately or jointly. When two or more students are charged and their cases are being heard together, the proceedings shall be the same except that the conduct board shall not seclude themselves and make a decision on any of the respondents until they have heard from all students involved in the case.

.24 Cases involving the imposition of sanctions other than suspension held in abeyance, suspension, expulsion, or revocation or withholding of degree shall be expunged from the student's conduct record seven years after final disposition of the case.

## **2.5 The Structure of the Conduct Board**

### **2.5.1 Membership**

.01 Student: A pool of up to 20 student members of the conduct board may be comprised of both undergraduate and graduate students. The membership shall include representation from on-campus and off-campus residents.

- Student members shall be selected through an interview process in which current members of the conduct board and the chairperson participate.
- Student members shall be appointed.
- Student members shall have completed a full-time semester at NMU at the time of their appointment and must maintain good academic standing and be free of any active sanctions imposed through the University's student conduct process.
- Appointed student members must maintain sufficient attendance and satisfactory performance at trainings and hearings.
- Members may be removed at the discretion of the chairperson of the conduct board for not meeting eligibility requirements.

.02 Faculty: A pool of up to six members of the faculty will be nominated by the Provost, and reviewed and approved by the Dean of Students Office. Members may not be licensed attorneys. Members shall serve for a period of three years provided they retain eligibility. Faculty members may be terminated by the Provost for poor attendance or performance at hearings.

.03 Staff: A pool of up to six members of the administration, including Department Heads, appointed by the Provost, after being reviewed and approved by the Dean of Students Office. Members may not be licensed attorneys. Administrative staff members may be terminated by the Provost for poor attendance or performance at hearings.

**2.5.2 Quorum:** Five members shall constitute a quorum. The respondent shall have the right to waive the quorum requirement. If a quorum cannot be obtained and is not waived, then the hearing shall be rescheduled.

**2.5.3 Chairpersons:** The Dean of Students shall appoint a member of the Dean of Students Office who shall serve as chairperson to the conduct board hearing. Chairpersons shall have a voice but no vote. The Chairperson of the conduct board shall have the authority to direct the hearing, call recesses, postpone hearings, take appropriate steps to maintain order at hearings, decide questions on the relevancy of evidence or information, recall witnesses or call such further witnesses as would seem able to aid in the resolution of matters relevant to the

hearing, monitor the presentation of questions to witnesses by members of the conduct board, and decide who is permitted to attend the hearing. The chairperson shall be allowed to ask questions of all participants throughout the hearing.

**2.5.4 Jurisdiction:** With the exception noted below, conduct boards consisting of all student members may hear cases involving University regulations except those which may result in suspension or expulsion. Conduct boards consisting of all students may impose only the following sanctions: warning probation, disciplinary probation, special conditions, guardian notification for alcohol and other drugs, and loss of privileges. With the exception noted below, conduct boards consisting of students, faculty and staff may hear cases involving most University regulations including those which may result in suspension or expulsion. Conduct Boards consisting of students, faculty, and staff may impose any of the sanctions defined in Section 2.7 of this document. The Sexual Misconduct Review Board will hear cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking. Contact the Equal Opportunity Officer and Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct. Student members will not participate in hearing cases where the accused student asserts that his or her mental health disability contributed to the conduct alleged to have violated the Student Conduct Code in order to maintain the confidentiality of the accused student's mental health disability.

**2.5.5 Referral of Cases:** A conduct board consisting of all students may waive jurisdiction over cases and refer them to a conduct board consisting of students, faculty, and staff provided there are reasonable grounds for such referral, that such action is taken prior to the conclusion of a formal hearing of the case.

**2.5.6 Voting:** A simple majority vote of the conduct board members present at any hearing shall be necessary and sufficient for action. Members cannot abstain from voting.

**2.5.7 Standard of Proof:** The conduct board's standard of proof is preponderance of the evidence. The conduct board shall decide whether the evidence shows that it is more likely than not that the respondent violated the Student Code.

**2.5.8 Summer Sessions (non-academic year):** An interim conduct board may be established by the Dean of Students or designee to resolve Student Code charges during the period between the winter and fall semesters. This conduct board shall be composed of faculty, staff, and continuing or enrolled students.

## **2.6 Appeals**

*(Contact the Equal Opportunity Officer and Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct)*



The respondent, the complainant, the Dean of Students or designee may submit an appeal. It is optional for the respondent, the complainant, or the Dean of Students or designee, to submit a response to the appeal.

Appeals based on questions of fact and/or questions of procedure may be appealed to an appeal board. Appeals to request leniency of a sanction may be appealed to the Associate Provost.

A written appeal letter must be submitted to the Dean of Students or designee within 48 hours after the sanction is imposed. An appeal letter must meet two conditions: (1) it must cite the basis of the appeal; and (2) it must provide sufficient and detailed information to support the appeal. The appeal will not be considered if both of these conditions are not met. The body hearing the appeal shall determine if the appeal meets both conditions.

The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new evidence). The following are the ONLY accepted bases for appeal:

1. Procedure: To determine whether the original hearing was conducted in conformity with prescribed procedures. Questions of procedure are limited to those which may have significantly affected the outcome of the hearing. The person appealing must specify which procedures were not followed and how it significantly affected the outcome of the hearing.
2. Fact: To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because the person appealing did not know such information and/or facts at the time of the original hearing. Information which was known to the person appealing at the time of the original hearing but was withheld will not be considered upon appeal.
3. Leniency: To determine whether the sanction imposed was appropriate for the violation of the Student Code that the student was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh.

### **2.6.1 Procedure for Leniency Appeals**

.01 Once an appeal is submitted and determined that it meets the appeal conditions, the Associate Provost or designee may:

- Modify the sanction (enhance or lessen);
- Uphold the sanction;
- In extenuating circumstances (conflict of interest, absence of the appeal officer, etc.) request the President to appoint a hearing agent who shall consider the sanction and render a decision. The hearing agent must be University faculty or staff.

.02 The Associate Provost shall inform the respondent and the Dean of Students or designee in writing as to the decision within ten business days from the date the Associate Provost received the appeal. Extensions may be granted for good cause.

### **2.6.2 Procedure or Fact Appeals**

.01 Jurisdiction: The appeal committee shall have appellate jurisdiction over all conduct board decisions regarding findings of fact and questions of procedure. The committee shall also review all other matters referred by the Dean of Students or designee.

.02 Membership: There shall be three members of this committee, and shall consist of one student selected from the active student members of the conduct board, one member of the faculty appointed by the Provost, and one member of the staff appointed by the Provost. The members selected shall not have served on the conduct board for which the decision is being appealed. Members may not be licensed attorneys. If possible, all nominees should possess experience on a University conduct board. Members shall serve for a period of three years provided they retain eligibility. Members may be reappointed by following the same procedure. A chairperson shall be selected by the members of the appeal committee.

.03 Procedure:

1. Once an appeal is submitted and determined that it meets the appeal conditions, the appeal committee shall receive from the chairperson of the conduct board whose decision is appealed a copy of the Specification of Charges and all information upon which the previous decision was made. Three members of the appeal committee (one student, one staff, one faculty member) must be present for the appeal to proceed and all decisions shall be based on a simple majority vote.
2. If an error in fact or procedure occurred, then the case shall be sent back to the Dean of Students or designee who shall have the discretion to drop the charges or schedule a rehearing by the conduct board which made the original decision.
3. The appeal committee chairperson shall inform the respondent and the Dean of Students or designee in writing as to the decision within ten business days from the date the appeal committee received the appeal.

### **2.7 Sanctions**

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. Severe and/or multiple violations will increase the severity of sanctions applied. Continued violations of the Student Code will result in more severe disciplinary sanctions.

No sanction shall become effective until it is imposed by the Dean of Students or designee. Sanctions shall be ordered into execution 48 hours after the student has received written notice

of the decision of the conduct board or conduct administrator; or immediately after action by the appeal committee or appeal officer designated to consider leniency of the sanction. Written notice is considered received once delivered in person, by mail, or NMU email.

.01 **Warning Probation:** a sanction imposed for a specified period of time. Further violations of the Student Code will result in more severe disciplinary sanctions.

.02 **Disciplinary Probation:** a sanction imposed for a specific period of time. Further violations of the Student Code may result in suspension or expulsion.

.03 **Special Conditions:** Financial restitution, service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate. Some seminars, classes, and workshops may require a registration fee to be paid by the student.

.04 **Parental/Guardian Notification for Alcohol and/or Other Drugs:** Parental or guardian notification for serious first offenses, second offenses and any subsequent offenses for students under 21 years of age.

.05 **Loss of Privileges:** Denial of specified privileges for a designated period of time. Privileges that can be denied include, but are not limited to, contact with another person, campus registration of a vehicle, on-campus employment, access to a building or portion of a building, access to a program, access to the University network, participation in extracurricular activities, and any other privilege deemed appropriate.

**Revocation of degree:** A degree awarded from NMU may be revoked for fraud, misrepresentation or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumna is sufficient association with the University and basis for application of this sanction.

**Withholding degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

.06 **Suspension:** A decision of suspension terminates the student's status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not enter onto any part of the campus without specific authorization from the Chief of the NMU Police Department or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of suspension.

- The terms of suspension may also include other conditions which may apply following the student's reinstatement.

- At the discretion of the conduct board or conduct administrator who hears the case, the suspension may be held in abeyance.
- A violation of the terms of suspension or suspension in abeyance may result in an extension of the period of suspension, which may be imposed by the Dean of Students or designee.

.07 Temporary Suspension: In certain circumstances, the Dean of Students or designee may impose a temporary suspension until the student conduct process is completed.

1. Temporary suspension may be imposed only to promote the safety and well-being of members of the University community or preservation of property, or if the respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. During the temporary suspension, a student shall be denied access to University housing, to the campus (including classes), and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine appropriate.
3. The temporary suspension does not replace the regular student conduct process, up to and through a conduct board hearing, if required.

.08 Expulsion: A decision of expulsion permanently terminates the student's status as an enrolled student. An expelled student may not enter onto any part of the campus without specific authorization from the Chief of the NMU Police Department or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of expulsion.

## **Appendix M**

### **Housing and Residence Life Office Procedures Regarding the Use of Alcohol in Designated Residence Hall Areas**

The mission of Northern Michigan University is to create and maintain an academic community where the best teaching and learning are available both in and out of the classroom. In addition, it is the mission of the Housing and Residence Life Office at Northern Michigan University to foster personal development of students living in residence halls, which includes ensuring that students have a broad range of opportunities to make good decisions as well to demonstrate responsible behavior. Recognizing that the State of Michigan has extended the privilege of possessing and consuming alcohol to students who are twenty-one years of age or older, the University will permit those students over the age of 21 who are living in residence hall areas specifically designated as an upperclassman housing to possess and consume alcoholic beverages in their room, television lounge, and in conjunction with scheduled group activities provided they do so in a mature and responsible manner.

This policy is intended to:

- Extend the privilege of possessing and consuming alcoholic beverages to students twenty-one years of age or older who live in residence hall areas designated for upperclassmen students and students over the age of 21.
- Clarify expected responsible behavior, consistent with applicable laws and regulations, from those individuals to whom this privilege is extended and who choose to consume alcohol.
- Support members of the residence hall community who choose not to possess or consume alcohol.
- Protect the interests and rights of all members of the residence hall communities with respect to the preservation of a comfortable educational environment.

### **Approved Areas**

1. Student Rooms Alcoholic beverages may be possessed and consumed in student rooms in designated residence hall areas by those residents and their invited guests who are at least twenty-one years of age. In the event that there is a guest in a residence hall room who is under the age of twenty-one, no one in the room is permitted to consume alcohol.
1. Television Lounges Alcoholic beverages may be possessed and consumed by residence hall students twenty-one years of age or older and their invited guests who are also at least twenty-one years old in the television lounge in designated residence hall living areas. Neither residents nor their guests under the age of 21 may possess or consume alcoholic beverages at any time. All alcohol must be removed for the night from the television lounge at the completion of the Resident Adviser's last round.
1. Common Areas Group-sponsored activities which include alcoholic beverages may be held in approved common areas only in-residence halls with space designated specifically for upperclassmen students and students over the age of 21. The appropriate registered student governing organization and the Resident Director for the hall may designate a common area for their hall. There may be no more than one common area designated in a residence hall at one time and the main residence hall lobby may not be designated as a common area.
  - a. Reservations. A common area may be reserved on Friday or Saturday (or on other days for special events) between noon and midnight. Only registered student organizations from the designated residence hall areas may reserve a common area for a social activity which includes the availability of alcoholic beverages. The group must submit an "Approval Request for Group-Sponsored Activities Including Alcoholic Beverages" at least seven (7) days prior to the date of the activity.
  - b. Attendance. Only the members of the sponsoring residence hall group and their individually invited guests may attend these group-sponsored activities. Each member of the group may invite one guest who must be 21 years of age or older. All members of the sponsoring group may attend, but their guests must be 21 years of age or older. Although members of the

group who have not reached 21 years of age may attend, they are not permitted to possess or consume alcoholic beverages. The activity organizers are responsible for providing a list of the names of everyone who will be admitted to the activity to the Resident Director at least twenty-four hours before the activity is scheduled to begin. This list must include name, address, and birth date for all who will be attending. In addition, the list must state who has supervisory responsibilities and who is the host or hostess for each guest.

c. Conditions.

- Alcoholic beverages may not be sold or given away.
- Residents and their invited guests who have attained the legal age for consumption of such beverages may consume their own alcoholic beverages.
- A group may furnish alcoholic beverages in a designated common area to its members only with funds derived from its membership, provided, however, that student activity fees collected as part of residence hall room and board fees are not used for such purposes.
- Persons under 21 years of age are not permitted to use, possess, or consume alcoholic beverages.
- Supervision. It is the responsibility of those students planning the activity to ensure that the activity is properly supervised by members of their organization.

**Rights of Residents** The right of residents to an environment in which they can study, sleep, and enjoy the peace and quiet at any time supersedes the privilege of possessing and consuming alcoholic beverages. Students and their guests who possess or consume alcohol in conjunction with this policy are expected to always be respectful of others and must honor all reasonable requests from them with respect to their right to a quiet living environment.

**Conduct** The conduct of residents and their invited guests must be in accordance with the regulations and ordinances of the University and the liquor laws of the State of Michigan including but not limited to, the age of the purchaser, furnishing alcoholic beverages to a minor, transporting alcoholic beverages, and falsely representing age by a minor. At no time should a party atmosphere (e.g., excessive noise and/or large numbers) exist in either a student room or television lounge. Complaints regarding inappropriate behavior related to the possession or consumption of alcohol will be processed in accordance with the appropriate University policies, procedures, and practices.

**Transportation of Alcohol Beverages** Open cans or bottles, glasses, cups, or mugs and all other containers with anything other than a factory-produced and sealed lid are not permitted outside of student rooms in designated areas, designated television rooms or designated common areas

in conjunction with an approved group-sponsored event. Alcoholic beverages may be transported to and from these rooms only in factory-produced and sealed containers.

**Clean-up and Damage** Residents will be held responsible for keeping their television room clean and orderly and for cleaning any approved common area immediately after their activity. In addition, residents will be responsible for all damages, including those caused by their guests.

**Cancellation** The President of the University or their designate (i.e., the Associate Provost for Student Services and Enrollment, Director of Housing and Residence Life, Assistant Director of Housing and Residence Life, or Resident Director) may decide that an individual or individuals has abused the privilege of using alcoholic beverages in accordance with this policy and as a result may suspend the policy until such time and upon such terms and conditions as deemed appropriate.