

# Montana State University

## Drug and Alcohol Prevention Program (DAAPP)

### August 2022

The Drug-Free Schools and Communities Act requires every higher education institution that receives any form of Federal funding to implement a drug and alcohol abuse prevention program (DAAPP).

The purpose of this program is to prevent the unlawful possession and abuse of alcohol and drugs on-campus and at institution-associated activities. Montana State University is concerned about the well-being of its community members and has embraced the expectations of the Drug-Free School and Communities Act. This DAAPP includes information about:

- Standards of Conduct
- Legal Sanctions Under State and Federal Law for Unlawful Possession or Distribution of Alcohol and Illicit Drugs.
- Health Risks Associated With the Use of Illicit Drugs and the Abuse of Alcohol
- Programs Available for Employees and Students Relating to Drug and Alcohol Abuse
- Disciplinary Sanctions for Students or Employees for Violations of the Standards of Conduct

## Standards of Conduct

The policies below articulate standards of conduct adopted by the MSU community. The policies can be found at the associated link and as an appendix to this DAAPP. For the most up-to-date policies, please visit [www.montana.edu](http://www.montana.edu).

### For All Campus Community and Guests (Including Students and Employees)

[MSU Campus Alcohol and Drug Policy](#)

[Food Sales, Alcoholic Beverage Service and Vendors - Facilities Use Manual](#)

[Tobacco Free Campus Policy - MSU Policies and Procedures | Montana State University](#)

### For Students

[Conduct Guidelines and Grievance Procedures for Students - MSU Policies and Procedures | Montana State University](#)

[Medical Amnesty Policy - MSU Policies and Procedures | Montana State University](#)

#### For Student-Athletes:

[MSU Drug Testing Program and Policy](#)

[NCAA Drug Testing Program and Policy](#)

#### For MRJCON Students:

[Student Clinical Compliance](#)

## For Employees

Workplace Expectations and Conduct: Drug, Alcohol, and Tobacco Free Workplace - MSU Policies and Procedures | Montana State University  
Board of Regents (BOR) Policy 740 - Drug and Alcohol Testing; Montana University System BOR Policy 740 (mus.edu)

# Legal Sanctions under State and Federal Law for Unlawful Possession or Distribution of Alcohol & Illicit Drugs

## State of Montana and Local Jurisdictions

### Montana's Underage Consumption of Alcohol Law

#### **45-5-624. Possession of or unlawful attempt to purchase intoxicating substance.**

A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages or marijuana. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment, it is necessary to possess alcoholic beverages or marijuana.

#### **Under 18 Years:**

**1st Offense:** Shall be fined an amount not less than \$100 and not to exceed \$300 and: · shall be ordered to perform 20 hours of community service; · shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and · if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).

**2nd Offense:** Shall be fined an amount not less than \$200 and not to exceed \$600 and: shall be ordered to perform 40 hours of community service;

shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).

**3rd or Subsequent Offense** Shall be fined an amount not less than \$300 or more than \$900 and: · shall be ordered to perform 60 hours of community service, · shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and · shall be required to complete a chemical dependency assessment and

treatment, if recommended, as provided in subsection (8). If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).

### **18 Years of age or older**

**1st Offense:** Shall be fined an amount not less than \$100 or more than \$300 and: · shall be ordered to perform 20 hours of community service; and · shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9).

**2nd Offense:** Shall be fined an amount not less than \$200 or more than \$600 and: · shall be ordered to perform 40 hours of community service; and · shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both.

**3rd or Subsequent Offense:** Shall be fined an amount not less than \$300 or more than \$900, and: · shall be ordered to perform 60 hours of community service; · shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and · in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months

### **A person under the age of 21(Attempts to purchase an intoxicating substance)**

A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage or marijuana. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

### *Montana's Medical Amnesty Law*

#### **45-5-624. Possession of or unlawful attempt to purchase intoxicating substance**

A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- ii. the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

### *Montana's Carrying False Identification Law*

#### **61-5-302. Unlawful use of license or identification card.**

It is a misdemeanor for a person to:

1. display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
  2. lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
  3. display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
  4. fail or refuse to surrender to the department upon its lawful demand a driver's license identification card that has been suspended, revoked, or canceled;
  5. use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
  6. permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.
7. Fines typically range between \$280 and \$500.

### *Montana's Public Drunkenness Law*

#### **61-8-508. Intoxicated pedestrian**

Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, as defined in 60-1- 103, but not on a roadway or a shoulder as is otherwise permissible under 61-8-506(2). Fines typically range between \$100 and \$500.

### *Montana's Driving Under the Influence of Substances Law*

#### **61-8-1002. Driving under influence**

A person commits the offense of driving under the influence if the person drives or is in actual physical control of:

- a) a vehicle or a commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, any drug, or a combination of alcohol and any drug;
- b) a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more;
- c) a commercial motor vehicle within this state while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;

d) a noncommercial vehicle or commercial motor vehicle within this state while the person's delta-9-tetrahydrocannabinol level, excluding inactive metabolites, as shown by analysis of the person's blood or other bodily substance, is 5 ng/ml or more; or

e) a vehicle within this state when the person is under 21 years of age at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.02 or more.

**1st Offense** a) Shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000. b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009.

**2nd Offense** a) Shall be punished by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than \$2,400 or more than \$4,000. b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009.

**3rd Offense** a) Shall be punished by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000. b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009.

**4th Offense;** If an individual is found guilty of Driving Under the Influence 4th or subsequent offense is a felony and shall be punished by:

a) being sentenced to the department of corrections for a term of not less than 13 months or more than 2 years for placement in either an appropriate correctional facility or a program, followed by a consecutive term of 5 years to the Montana state prison or the Montana women's prison, all of which must be suspended, and a fine of not less than \$5,000 or more than \$10,000; or b) being sentenced to a term of up to 5 years in an appropriate treatment court program, with required completion, and a fine of not less than \$5,000 or more than \$10,000. If sentenced under this alternative, the person may be entitled to a suspended sentence but is not eligible for a deferred imposition of sentence.

*Montana's law on selling or furnishing alcohol to minors*

**16-6-305. Age limit for sale or provision of alcoholic beverages – liability of provider.**

A. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

B. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

C. For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:

1. i. a blood, breath, or urine alcohol concentration in excess of 0.05;
2. ii. substantial or visible mental or physical impairment.

A person is guilty of a misdemeanor who:

- i. invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;
- ii. permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
- iii. holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.

It is unlawful for any person to fraudulently misrepresents the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.

A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

*Montana's open container laws*

**61-8-1026. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.**

1. Except as provided in subsection 2),

a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.

2. This section does not apply to an open alcoholic beverage container:

- a. in a locked glove compartment or storage compartment;
- b. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
- c. behind the last upright seat of a motor vehicle that is not equipped with a trunk;
- d. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
- e. in the immediate possession of a passenger of a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver;
- f. or in the living quarters of a camper, travel trailer, or motor home.

A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.

A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

*Bozeman Municipal Code Sec.4.04.030.*

Public drinking or display of open alcoholic beverages; open containers; prohibited; Public drinking or display or exhibition of open alcoholic beverages (open container) as defined in section 4.04.020 is prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of open alcoholic beverages (open container) within the city limits.

*Bozeman Municipal Code Sec. 4.04.070. - Violation; penalty.*

- a) It is a misdemeanor for any person to violate any of the provisions of this article.
- b) Anyone found guilty of the offense of having an open container under section 4.04.030 shall be fined an amount not less than \$100.00 and not to exceed \$500.00 or be imprisoned in the county jail for a term not to exceed six months, or both. The first \$100.00 of a fine under this section may not be suspended.
- c) Upon conviction, the court may, in its discretion, order the payment of the costs of prosecution or imprisonment, or both, as part of the sentence.

*Montana's public urination or defecation laws*

**Bozeman Municipal Code Sec. 24.06.010. - Public urination and defecation.**

No person within the jurisdictional limits of the city shall publicly defecate or urinate on streets, sidewalks, alleys, parks, parking lots or other places open to the public including areas open to the public in buildings unless a sanitary facility capable of and commonly used for disposal of human urine or excrement is used.

Marijuana Laws

*16-12-106. Personal use and cultivation of marijuana -- penalties.*

(1) Subject to the limitations in 16-12-108, the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older:

1) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;

2) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older, 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;

3) in or on the grounds of a private residence, possessing, planting, or cultivating up to two mature marijuana plants and two seedlings, or four mature marijuana plants and four seedlings for a registered cardholder, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:

- I. marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;
- II. not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;
- III. a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and
- IV. no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;



4) assisting another person who is at least 21 years of age in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and

5) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.

A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding \$50.

For a person who is under 21 years of age and is not a registered cardholder, possession, use, delivery without consideration, or distribution without consideration of marijuana is punishable in accordance with 45-5-624.

For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and 8 hours of drug education or counseling.

Unless otherwise permitted under the provisions of Title 16, chapter 12, part 5, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

- a. for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;
- b. for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine; and
- c. for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine.

A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.

A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter.

#### *Possession of Marijuana Paraphernalia*

As per Montana Code Annotated (MCA) 16-12-106(1)(e) and 16-12-106(6) possession of marijuana paraphernalia is legal for those 18 YOA and older.

If under 18 YOA and in possession of marijuana paraphernalia an individual will be in violation of 45-10-103, Criminal Possession of Drug Paraphernalia. Which states: a. Except as provided in Title 16, chapter 12, or 50-32-609, it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug.

A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than \$500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

#### *Possession of Marijuana in a Motor Vehicle*

#### **61-8-1027, Unlawful Possession Of Marijuana, Marijuana Products, Or Marijuana Paraphernalia In Motor Vehicle On Highway.**

1. Except as provided in subsection (2), a person commits the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle if the person knowingly possesses marijuana, marijuana products, or marijuana paraphernalia, as those terms are defined in 16-12-102, within the passenger area of a motor vehicle on a highway.

2. This section does not apply to marijuana, marijuana products, or marijuana paraphernalia:

- a. purchased from a dispensary and that remains in its unopened, original packaging;
- b. in a locked glove compartment or storage compartment;
- c. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
- d. behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
- e. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger.

3. (a) A person convicted of the offense of unlawful possession of marijuana, marijuana products, or marijuana paraphernalia in a motor vehicle shall be fined an amount not to exceed \$100. (b) A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, or 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

#### *Possession of Dangerous Drugs (PODD)*

#### **45-9-102. Criminal possession of dangerous drugs.**

1. Except as provided in Title 16, chapter 12, or 50-32-609, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-

101, [in an amount] greater than permitted or for which a penalty is not specified under Title 16, chapter 12

2. A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both. A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsection (1) or (2) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.

3. A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment. 4. Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section.

### Federal Jurisdictions

<b>PENALTIES</b>			
<b>FEDERAL TRAFFICKING PENALTIES - MARIJUANA</b>			
DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE*
Marijuana (Schedule D)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule D)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule D)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule D)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule D)	10 kg or less		
Hashish Oil (Schedule D)	1 kg or less		
*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.			

# FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 gm or more pure or 1 kg or more mixture		

## Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol

### General Risks

#### Health Risks of Alcohol and Drug Misuse

As stated in the Surgeon Generals Report on Addiction in America, misuse of all substances and related disorders are causing major public health challenges. This includes mental and physical health implications. Recently more than 27 million people in the United States reported that they are using illicit drugs or misusing prescription drugs, and nearly a quarter of adults and adolescents reported binge drinking in the past month. The annual economic impact of substance misuse is estimated to be \$249 billion for alcohol misuse and \$193 billion for illicit drug use.

The misuse of and addiction to opioids—including prescription pain relievers, heroin, and synthetic opioids such as fentanyl—have become common chronic illnesses in the U.S. Although there are effective treatments for opioid use disorder, only about one in four people with this disorder receive any type of specialty treatment. (Surgeon generals report)

### Social, Academic, and Personal Risks of High-Risk Substance Misuse

Social, academic, employment and personal risks/problems are associated with the MSU population that misuses substances. Patterns of excessive substance misuse (also known as “binge drinking” or heavy episodic drinking) and/or use of drugs can directly or indirectly lead to:

1. Social problems: driving under the influence, fighting, unwanted sexual contact, vandalism, trouble with authorities, unsafe sexual behavior, among others.
2. Academic problems: poor grades, missed classes, memory loss, falling behind in class work or projects.
3. Personal problems: depression, illness and injury, experiencing unwanted attempted or completed sexual intercourse, suicide, being the victim of violence or racial harassment, being unable to control drinking or drug use.
4. Employment problems: Low job autonomy, lack of job complexity, boredom, sexual harassment, verbal and physical aggression and disrespectful behavior, decreased productivity, increase in injury on the job, absenteeism and eventually loss of employment due to behavioral issues.

### Second-Hand Effects

Those that misuse substances often do not realize the impact their addiction has on those around them. It can impact family, friends, roommates, co-workers, partners, causing family problems, academic problems and damaging relationships. Second hand effects of substance misuse include harassment, physical abuse, relationship issues, financial issues, domestic violence, increased traffic risk, and other significant legal, academic and employment issues. For students, problems are typically most prominent among those living in close quarters (e.g., residence halls or Greek houses). Effects include disruptions of sleep or studying, having one’s property damaged, feeling unsafe, having one’s membership in an organized group adversely affected, and decreased enjoyment of campus activities. Non- students, i.e., community members, are also at risk of experiencing problems as a result of student drinking or drug use (e.g., intoxicated driving, vandalism, violence, sexual assault).

# HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL

Substances (Commonly known as)	Short-Term Risks and Effects	Long-Term Risks and Effects	Overdose Risks and Effects
Alcohol (Beer, distilled liquor, ethanol, wine)	Impaired judgment or vision Lowered inhibitions Loss of motor skills Loss of coordination Slurred speech	Cardiovascular disease High blood pressure Liver Damage Neurologic Damage Toxic psychosis	Coma Possible death
Cannabis (Hash oil, hashish, grass marijuana, marijuana concentrates, pot, weed)	Confusion Euphoria Impaired balance Impaired coordination Memory loss Slowed reaction time Slowed thinking	Cardiovascular damage Frequent respiratory infections Impaired learning Impaired memory Increased heart rate Tolerance and addiction	Insomnia Hyperactivity Panic attack Paranoia Possible toxic reaction if combined with other chemicals
Depressants (Barbiturates, benzodiazepines (Valium, Xanax, Ativan), GHB (liquid Ecstasy), Special K, flunitrazepam, methaqualone)	Confusion Fatigue Feeling of well-being or irritability Lowered blood pressure Lowered inhibitions Poor concentration Reduced anxiety Sedation Slowed pulse and breathing Slurred speech	Anxiety Dizziness Hallucinations Insomnia Loss of peripheral vision Nausea Seizures Weak, rapid pulse Toxic psychosis Tremors	Blackouts Cold, clammy skin Coma Life-threatening withdrawal Possible death Respiratory depression or arrest Toxic reaction if combined with alcohol
Hallucinogens (Acid, crystal, LSD, MDA, mescaline, mushroom, PCP, peyote, phencyclidine, psilocybin, Ecstasy, MDMA, K2/Spine)	Altered state of perception Increased heart rate, body temperature, blood pressure Loss of appetite Nausea Numbness Sleepiness Tremors Weakness	Hallucinogen Persisting Perception Disorder (flashbacks) Intensifying of existing psychosis Violent behavior	Intense, prolonged hallucinations Possible sudden death Psychosis
Inhalants (gases, solvents)	Impaired judgment Headache Nausea Vomiting Poor coordination Slurred speech	Cardiovascular and nervous system damage leading to inability to walk, talk, think Cramps Depression Loss of muscle tone Memory impairment Mild withdrawal Muscle wasting and weakness Weight loss	Coma Possible sudden death Possible toxic reaction Unconsciousness
Narcotics (Codeine, heroin, hydromorphone, morphine, opium, oxycodone, Vicodin, methadone, fentanyl)	Confusion Constipation Drowsiness Euphoria Nausea Pain relief Sedation Staggering gait	AIDS and hepatitis infection risk Malnutrition	Clammy skin Coma Convulsions Possible death Respiratory arrest Shallow perspirations Tolerance, addiction Toxic reaction if combined with alcohol
Stimulants (Amphetamine (Adderall), cocaine, Ecstasy, MDMA, Methylphenidate (Concerta, Ritalin), phentermine)	Appetite loss Excitement and euphoria Feelings of well-being Increased alertness Changes to blood pressure, pulse Insomnia	Insomnia Nervous system damage Organ or tissue damage Paranoia Psychosis Weight loss	Agitation Convulsions Hallucinations Heart attack, stroke High blood pressure Loss of consciousness Seizures Temperature increase
Tobacco (Chewing/smokeless tobacco, cigarettes, cigars, nicotine)	Bad breath Bad taste in mouth Decreased lung capacity Increased blood pressure Increased heart rate	Adverse pregnancy outcomes Cardiovascular disease Cancer	Possible death

## PROGRAMS AVAILABLE FOR STUDENTS & EMPLOYEES RELATING TO DRUG AND ALCHOL ABUSE

### For Students

#### ALCOHOLEDU FOR COLLEGE

MSU Health Promotion oversees the administration of [AlcoholEdu](#) for College, a science-based, interactive online program that provides students with facts and skill-based information on alcohol and sexual assault, other consequences of alcohol abuse, including alcohol's impact on the brain, body, and behavior. All incoming MSU students under the age of 21 are required to take AlcoholEdu. The program matches course content to each student based on his or her behavior, attitudes, and what he or she already knows about alcohol.

Whether students choose to drink or not, AlcoholEdu is designed to encourage informed decision-making about alcohol use as well as providing skills to respond to the drinking and risk behaviors of friends and peers. The program delivers information with a non-judgmental tone that supports students in making their own plan to reduce the risk of harm associated with drinking while in college.

This program is one of many efforts at MSU to support better decision-making and a healthier campus environment where everyone every can live, study, work and have fun safely. MSU Health Promotion also works on campus and community education and policies to reduce risk and prevent intoxicated driving.

Details available at [https://www.montana.edu/oha/alcohol\\_drugs/index.html](https://www.montana.edu/oha/alcohol_drugs/index.html) are available at 406-994-7337.

#### ALCOHOL AND DRUG ASSISTANCE CENTER/INSIGHT PROGRAM

MSU is dedicated to providing a voluntary, confidential resource to assist all students who are impacted directly or indirectly by chemical abuse. The [Alcohol and Drug Assistance Center/Insight Program](#), including the MIP (Minor in Possession) program, is a state approved, three-level assistance and intervention program open to all MSU students, either by self-referral or by referral from MSU offices, departments or the local court system. This program can be contacted at (406) 994-5937, and is located at 1016 S 6<sup>th</sup> Avenue. Student confidentiality will be respected. The Center provides referral and pre-assessment support.

The Center:

- Offers referral assistance to students and their friends who have alcohol and other drug use issues.
- Offers workshops, seminars and training related to substance abuse.
- Provides support to friends and family who are affected by someone else's substance use/abuse.
- Supports other MSU offices, faculty and staff in issues relating to alcohol/drugs.
- Provides factual information and dispels myths about alcohol and other drugs.

- Disseminates information on local treatment and recovery program options.
- Provides information, support and referral for those students affected by behavioral compulsions and for students who are/were affected by chemical abuse within a family.

MSU's Alcohol and Drug Assistance Center offers limited family counseling and referral. A licensed counselor will meet and consult with family or friends of students on a limited basis in order to discuss options and offer support. The Center also provides treatment referrals.

The three levels (Focus Seminar, Brief Alcohol Screening and Interventions for College Student—BASICS, and Intervention and Referral) are described in detail at the [Insight](#) website. Students can also call Insight at 406-587-2306.

Montana State University employs a full-time licensed counselor to work specifically with substance abuse issues (this individual is a licensed clinical counselor, as well as a licensed addiction counselor). If students have paid the health service fee, they can make an appointment at no additional charge.

Other than the licensed counselor, the Insight office staff includes an MIP Case Coordinator and up to three graduate student employees. Graduate students facilitate the Level I Focus Seminars; the licensed counselor conducts the BASICS program and oversees the Levels III interventions.

#### CENTER FOR STUDENTS IN RECOVERY

The MSU Office of Health Advancement provides the Center for Students in Recovery. This is a community for students in sobriety, their allies, and those looking to gain or maintain recovery from addictive disorders. They provide sober events, fellowship, wellness mentoring and other resources. The Center provides recreational opportunities, service work, academic and professional growth as well as a peer-based recovery mentorship program that helps students manage and excel in challenging situations, on and off campus.

Details are available [www.montana.edu/oha](http://www.montana.edu/oha) or email at [crs@montana.edu](mailto:crs@montana.edu). The Center is located at 1106 S 6<sup>th</sup> Ave.

The Center for Recovering Students offers several Alcoholic Anonymous and Marijuana Anonymous meetings throughout the week. For more information on meeting times and dates please contact 406-994-5937.

#### COUNSELING AND PSYCHOLOGICAL SERVICES (CPS)

Additional counseling services for students are available through MSU's Counseling and Psychological Services.

Individual and group counseling for students whose lives have been affected by their own or someone else's substance use or abuse are available. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

Counseling services include:



- Training professional staff and student staff on drug substance abuse information, intervention and referral;
- Conducting individual and group counseling for with drug substance use problems;
- Providing consultation, information and referral for students with substance use problems;
- Designing and developing referral opportunities for students who desire to seek professional assistance in the community program has been designed to make, students served by the program comfortable, to give choice in the selection of assistance, to maintain confidentiality of clients, and to provide professional service.

[Counseling and Psychological Services](#) is located in 211 Swingle, 406-994-4531.

## For Employees

### EMPLOYEE ASSISTANCE PROGRAM

Human Resources provides employees and family members with access to confidential advice, support, and practical solutions to real-life issues such as those associated with Drug and Alcohol use and abuse through the Employee Assistance Program (EAP). The EAP offers a 24-hour Crisis Help line, in-person counseling, and access to online consultations with licensed counselors. The EAP can be accessed at [uprisehealth.com](http://uprisehealth.com) or at <https://choices.mus.edu/eap-work-life.html> with access code MUS or by contacting Human Resources directly.

### HEALTH INSURANCE PLAN

Employees and any dependents who are covered by the MUS health insurance plan can also refer to their Health Insurance provider or the CHOICES enrollment book for health care benefits that cover inpatient and outpatient services for chemical dependency.

### HUMAN RESOURCES

Human Resources and the Human Resources Business Partners are available to assist supervisors with employee issues related to suspected alcohol or drug use of employees and can assist in upholding the expectations and requirements outlined in the policy while maintaining compliance with any relevant collective bargaining agreement.

## **Disciplinary Sanctions for Students or Employees for Violations of Standards of Conduct**

Montana State University is an environment where unlawful possession, consumption, use or distribution of illicit drugs and alcohol by students and employees on campus property is prohibited.

Individuals who violate the University policy, city or state laws are subject to disciplinary action. MSU students will face disciplinary sanctions under the Code of Student Conduct. MSU employees will face disciplinary action under personnel policies or applicable collective bargaining agreement.

Groups displaying unreasonable and irresponsible conduct or violating this University Alcohol/ Other Drugs policy will jeopardize continuance of the University-recognized or supported event and access to University service and facilities.

Individuals may also be subject to criminal prosecution. Criminal sanctions, regardless of status, may include jail, probation, mandatory counseling and/or education, fines, and suspension or revocation of driving privileges.

## Students

If a student accepts responsibility through an administrative agreement or is found responsible through a formal hearing for additional violations stemming from the same incident involving alcohol or drugs, other sanctions may be proposed or applied. Specifically, if disruption accompanies alcohol or drug cases, additional sanctions may be discussed/proposed. These can include community service, residence hall probation or removal, conduct probation, peer mentoring, etc. Or if disruption related to the smell of alcohol and/or drugs in the residence halls is the sole violation, any or all of the same sanctions may apply.

**When considering outcomes for alcohol or drug violations, all cases are contextualized. For instance, not all violations are resolved exactly the same way. There are obvious variables that could impact the outcomes listed below, including level of intoxication, the intoxicant, etc.**

If you have been cited or arrested for an alcohol or drug-related law violation, the conduct officer may allow court-ordered sanctions to substitute for University sanctions. This is especially relevant to alcohol and drug education classes and community service.

- Recommended Sanctions for a **first violation** of an alcohol or drug policy are a University Warning and the completion of an Alcohol/Drug Education course.
- Recommended Sanctions for a **second violation** are conduct probation/residence hall probation or relocation and/or an additional level of Alcohol or Drug Education.
- Recommended Sanctions for a **third violation** are conduct suspension, housing removal and/or additional Alcohol or Drug Education, including a substance abuse assessment.

For more information, visit: [Alcohol and Drug Policies - Office of the Dean of Students | Montana State University](#)

## Employees

Compliance with this policy is a condition of continued employment and violations of this policy will result in disciplinary action, up to and including, termination of employment in accordance with any applicable collective bargaining agreement. An employee may be required to successfully complete a drug/alcohol abuse rehabilitation program before returning to work if termination of employment

does not occur. [Workplace Expectations and Conduct: Drug, Alcohol, and Tobacco Free Workplace Policy.](#)

## Montana State University Medical Amnesty Policy for Students

Montana State University recognizes that certain barriers may exist that would prevent students from seeking medical assistance for themselves or others when someone's health and/or safety is at risk due to alcohol and/or drug use, or where other health issues arise where alcohol or drugs are being used. Therefore, to ensure that students receive prompt and appropriate attention for urgent medical situations, and to ensure there are no impediments to seeking such assistance, Montana State University implemented the Medical Amnesty policy.

To promote the safety, health, and wellbeing of students at Montana State University, the University expects its students and organizations to immediately contact university staff, emergency medical services or law enforcement when they have reason to believe a fellow student is too impaired/intoxicated from alcohol/drug use to seek competent professional medical help on their own, or otherwise in need of urgent medical attention. Students should act immediately and not wait for any conditions to worsen when the health and safety of someone is at risk. The full text of the policy can be found here: [Medical Amnesty Policy - MSU Policies and Procedures | Montana State University](#)

# Campus Alcohol and Drug Policy

**Revised:** N/A

**Effective Date:** April 4, 2012

**Review Date:** April 4, 2015

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## 100.00 Introduction and Purpose

Montana State University is committed to a campus community environment that promotes the health, safety, personal development and academic success of students, faculty and staff. The Drug Free Schools and Communities Act, [20. U.S.C. 1145g, (34 CFR Part 86)], requires institutions of higher education to enact policies for preventing the unlawful possession, use, or distribution of alcohol and illicit drugs by students and employees.

The Board of Regents has adopted [Policy 503.1](#), Alcoholic Beverages which establishes certain requirements and guidelines for the possession, consumption, sale, and distribution of alcoholic beverages on Montana University System property.

## 200.00 Standards of Conduct

Montana State University is an environment where unlawful possession, consumption, use or distribution of illicit drugs and alcohol by students and employees on campus property is prohibited.

Montana State University's standards of conduct prohibit the unlawful possession, use, distribution, or sale of alcohol and other drugs on institutional property. See Section 635.00 of the [Student Conduct Code](#); Section 1230.00 of the [Personnel Policies and Procedures Manual](#).

## 300.00 Alcoholic Beverages

Under Regents policy 503.1, consumption of alcoholic beverages is permitted on property belonging to the Montana University System as follows:

1. Within student living quarters, consumption of alcohol is allowed only by persons of legal age. Legal consumption by students in student living quarters shall not interfere with the rights of other residents and their guests or cause the normal operation of residence halls/student housing to be disrupted.
2. Within approved areas on campus property that are used or rented as approved by the President.

All other service or consumption of alcoholic beverages on campus property is prohibited.

## 310.00 Approval Process.

MSU has established procedures for obtaining approval for events where alcohol will be available. See [Section 890, Facilities Use Manual](#).

The approval process for all events involving alcohol held on campus must originate with University Catering. University Catering will provide information about policies, laws, and the procedures to initiate the University's approval process.

The following requirements apply to all events.

1. Consumption and/or sale of alcohol must be in connection with an event approved under [Section 890.00](#) of the Facilities Use Manual.
2. Consumption of alcohol by persons under age 21 is prohibited. A system must be implemented to insure that alcohol is not available to under-

age persons or to persons who appear to be intoxicated.

3. Access to the event must be controlled.
4. All sales and service shall be in compliance with Montana laws.
5. No consumption of alcohol by persons selling or serving alcohol is permitted.
6. Unless using a licensed alcohol vendor, any server of alcohol at University sponsored events on and off campus must have completed a responsible alcohol server training program which has been approved by the Montana Department of Revenue. Programs approved are shown on the [Department of Revenue Website](#).
7. Any person who is authorized to serve or sell alcohol who has reason to question the age of a person ordering alcohol must verify age by requesting a photo identification that proves the individual is over 21.
8. Any sale of alcohol must be by an authorized vendor holding a valid liquor license. Sale of tickets to an event where complimentary alcohol is served will be considered a sale of alcohol.
9. Consumption and possession of alcohol must be permitted only within designated and monitored areas for the event.
10. Reasonable amounts of food and non-alcoholic beverages must be served for the duration of the event.
11. Service and consumption of alcohol must not exceed the duration of the event.
12. Competitive alcohol consumption games are prohibited.
13. Carpooling, bus, "home free" programs, and/or designated driver options must be strongly encouraged by the Event Sponsor.

### 320.00 Residence Halls and Family and Graduate Housing

1. The possession and consumption of alcohol is permitted in the privacy of a student's room or individual family and graduate housing unit, in accordance with applicable State law (legal drinking age in Montana is 21). Alcoholic beverages may not be consumed in hallways, lounges, utility rooms, and other public areas. If a public area such as a lounge is used for an event where alcohol will be available, the event sponsor must follow the requirements of [Section 890, Facilities Use Manual](#).
2. Parties or activities involving large amounts of alcohol, as determined by residence hall policy, are prohibited in student's rooms.
3. Residence hall social funds may not be used for the purchase of alcoholic beverages.
4. Approved residence halls and family and graduate housing sponsored functions involving alcohol shall also adhere to the state law and the policies of the university.
5. Any off-campus event organized and/or sponsored by the Residence Halls and Family and Graduate Housing which is open to the public and at which alcohol will be served shall be subject to the requirements of this policy. The Event Sponsor is responsible for assuring the event is in compliance.
6. Incident reports involving Montana State University students may be forwarded to the Dean of Students Office. MSU disciplinary action will be considered and imposed as appropriate.

### 330.00 Greek Organizations

1. The possession and consumption of alcoholic beverages at houses and functions must conform to policies established by the Board of Regents, Montana State University, IFC/Panhellenic policies, and with national chapter policies, local ordinances, and State laws.
2. When sponsoring an approved event, each chapter and the Greek system shall adhere to the state law and the policies of the university.
3. Open parties, meaning those with unrestricted access, which involve the consumption of alcohol are prohibited.
4. No Greek organization will serve or permit the possession, or consumption of alcohol at rush functions.
5. Chapter funds cannot be used for the purchase of alcohol.
6. Planned social functions at the house at which alcohol is served must be registered with the Dean of Students Office with copies to MSU Police and Bozeman City Police not less than 5 academic days.
7. Any off-campus event organized and/or sponsored by the Greek organizations which is open to the public and at which alcohol will be served shall be subject to the requirements of this policy. The Event Sponsor shall be responsible for assuring the event is in compliance.
8. Incident reports involving Montana State University students will be forwarded to the Dean of Students Office. MSU disciplinary action will be considered and may be imposed by the Dean of Students Office in accordance with the MSU Student Conduct Code and IFC/Pan-Hellenic policy.

### 340.00 ASMSU, Departmental and Other Registered Student Organizations

1. ASMSU, registered student organizations or any organized student group assembled independently or on behalf of Montana State University or ASMSU, whether or not they are registered are subject to university policies and state law governing the service or consumption of alcohol at its events.
2. Any event held on University property that involves the service of alcohol must approved under [Section 890.00, Facilities Use Manual](#).
3. Organizational or ASMSU funds shall not be used to purchase alcohol.
4. Incident reports involving Montana State University students may be forwarded to the Dean of Students Office. MSU disciplinary action will be considered and imposed as appropriate.
5. Any off-campus events organized and/or sponsored by a student organization or ASMSU which is open to the public and at which alcohol will be served shall be subject to the requirements of this policy. The Event Sponsor is responsible for assuring the event is in compliance.

### 350.00 University Events - Stadium and Sports Facilities

1. No alcohol will be allowed in the Fieldhouse Arena or Stadium except in the rented suites and Stadium Club and as authorized under [Section 890, Facilities Use Manual](#). University policies will apply to all entities that rent Sports facilities, whether an MSU entity or an outside organization.
2. Alcohol Concessions (Football Games): Concession sales of alcoholic beverages will be contracted by MSU to a private licensed vendor. Operations are subject to MSU policies and state statutes.
3. Tailgating is an activity undertaken by university guests and does not require university approval. Tailgating is restricted to MSU Football Games and is subject solely to MSU's Tailgating Rules and Regulations which are published here.

### 360.00 University Employees

1. Any event held on University property that involves the service of alcohol must be scheduled with University Catering and approved in accordance with [Section 890.00](#) of the Facilities Use Policy.
2. Organizational funds of employee groups shall not be used to purchase alcohol.

### 370.00 Outside Groups Using University Facilities

1. Private parties who rent university facilities for an event must request approval to serve alcohol at the event in accordance with [Section 890.00](#) of the Facilities Use Policy.
2. Outside groups sponsoring an approved event must adhere to the state law and university policies.

### 400.00 Alcohol Marketing Guidelines

1. In on-campus advertising, no reference to alcoholic beverages is permitted. Suggested wording is: drinks or drink specials.
2. Advertising free drinks or 2-for-1 or other multiple-drink specials is prohibited.
3. Advertising of competitive drinking games is prohibited.
4. In all on-campus advertising, including posters, banners and table tents, reference to drinks must be in smaller print than the print size for the event advertised.
5. Availability of food and non-alcoholic beverages must be prominently displayed in the advertising.
6. Advertising must be accompanied by a non-use message such as "Drink Responsibly," "Don't Drink and Drive," "Do not allow your friends to drink and drive."

### 500.00 Illegal Drugs

Use, possession, manufacture, sale, or distribution of any illegal drugs on University property or at University sponsored activities is prohibited and may be grounds for suspension or expulsion of students and the suspension or dismissal of faculty members, administrators and other University employees.

The fundamental purpose of the University is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty members, administrators, and other University employees, share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

#### 510.00 Prescription Drug Abuse

The non-medical use of prescription drugs is not allowed on the University campus. Students' use of these drugs inappropriately such as to "get high", cram of exams, or use to enhance sports performance is a violation of this policy. Prescription drugs, when mixed with alcohol, are particularly dangerous and potentially lethal. This is especially true of opiates, such as OxyContin, Vicodin or other pain killers. Harmful effects of prescription drug abuse include:

- Mental health: increased irritability, agitation, anger, apathy, depression, paranoia (delusions and Hallucinations), violence, and dependence.
- Physical health: drastic changes in sleep patterns, sudden weight loss or gain, stunted growth, and dependence.

#### 520.00 Medical Marijuana

Although Montana state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession or cultivation of marijuana for medical purposes is therefore not allowed in any Montana State University housing or any other Montana State University property; nor is it allowed at any University-sponsored event or activity off campus.

### 600.00 Education Prevention and Treatment Programs

Montana State University provides alcohol and drug abuse prevention education, counseling and treatment programs designed to reach all segments of the campus community.

#### 610.00 Alcohol and Drug Assistance Center/Insight Program

MSU is dedicated to providing a voluntary, confidential resource to assist all students who are impacted directly or indirectly by chemical abuse. The [Alcohol and Drug Assistance Center/Insight Program](#), including the MIP (Minor in Possession) program, is a three-level assistance and intervention program open to all MSU students, either by self-referral or by referral from MSU offices, departments or the local court system. This program can be contacted at (406) 994-5937, and is located at 1215 Gopher Court (across the street from the SOB Barn). Student confidentiality will be respected. The Center provides referral and pre-assessment support.

The Center:

- Offers referral assistance to students and their friends who have alcohol and other drug use issues.
- Offers workshops, seminars and training related to substance abuse.
- Provides support to friends and family who are affected by someone else's substance use/abuse.
- Supports other MSU offices, faculty and staff in issues relating to alcohol/drugs.
- Provides factual information and dispels myths about alcohol and other drugs.
- Disseminates information on local treatment and recovery program options.
- Provides information, support and referral for those students affected by behavioral compulsions and for students who are/were affected by chemical abuse within a family.

MSU's Alcohol and Drug Assistance Center offers limited family counseling and referral. A licensed counselor will meet and consult with family or friends of students on a limited basis in order to discuss options and offer support. The Center also provides treatment referrals.

The three levels (Focus Seminar, Brief Alcohol Screening and Interventions for College Student—BASICS, and Intervention and Referral) are described in detail at the [Insight](#) website. Students can also call Insight at 406-587-2306.

Montana State University employs a full-time licensed counselor to work specifically with substance abuse issues (this individual is a licensed clinical counselor, as well as a licensed addiction counselor). If students have paid the health service fee, they can make an appointment at no additional charge.

Other than the licensed counselor, the Insight office staff includes an MIP Case Coordinator and up to three graduate student employees. Graduate students facilitate the Level I Focus Seminars; the licensed counselor conducts the BASICS program and oversees the Levels III interventions.

### **620.00 AlcoholEdu for College**

MSU Health Promotion oversees the administration of [AlcoholEdu](#) for College, a science-based, interactive online program that provides students with facts and skill-based information on alcohol and sexual assault, other consequences of alcohol abuse, including alcohol's impact on the brain, body, and behavior. All incoming MSU students under the age of 21 are required to take AlcoholEdu. The program matches course content to each student based on his or her behavior, attitudes, and what he or she already knows about alcohol.

Whether students choose to drink or not, AlcoholEdu is designed to encourage informed decision-making about alcohol use as well as providing skills to respond to the drinking and risk behaviors of friends and peers. The program delivers information with a non-judgmental tone that supports students in making their own plan to reduce the risk of harm associated with drinking while in college.

This program is one of many efforts at MSU to support better decision-making and a healthier campus environment where everyone every can live, study, work and have fun safely. MSU Health Promotion also works on campus and community education and policies to reduce risk and prevent intoxicated driving.

Details about [AlcoholEdu and MSU Health Promotion](#) are available at 406-994-7337 or the links above.

## **700.00 Counseling and Rehabilitation**

Additional counseling and rehabilitation programs are available through MSU's Counseling and Psychological Services. The university's benefit program for employees also offers an Employee Assistance Program.

Assessments, treatment groups, and individual counseling for students whose lives have been affected by their own or someone else's substance abuse are available. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

Counseling and rehabilitation services include:

1. Training professional staff and student staff on drug abuse information, intervention and referral;
2. Conducting education programs for students who have demonstrated abusive behavior with drugs;
3. Conducting individual and group counseling for members of the university community with drug problems;
4. Conducting drug abuse assessments;
5. Organizing campus self-help groups;
6. Providing consultation, information and referral for students, staff and faculty with drug problems;
7. Designing and developing referral opportunities for members of the university community who desire to seek professional assistance beyond the campus. This will be done in cooperation with the employee assistance program and MSU Human Resources; and
8. Providing, with peer involvement, a system of intervention and referral services for students, faculty and staff.

This program has been designed to make faculty, students, administrators, and other employees served by the program comfortable, to give choice in the selection of assistance, to maintain confidentiality of clients, and to provide professional service.

The University [Counseling and Psychological Service](#) is located in 211 Swingle, 406-994-4531.

## **800.00 Health Risks**

Abusive use of alcohol and/or the use of illicit drugs or misuse of prescription drugs can be detrimental to the physical and mental health of students and members of the surrounding community. The various risks are classified and described in the following subsections.

### **810.00 Social, Academic, and Personal Risks of High-Risk Substance Use**

Social, academic and personal risks are associated with students who drink alcohol, use illicit drugs or abuse prescription drugs. High-risk and illegal use of alcohol and illicit drugs are the most salient health and safety risks to the MSU student population, which can result in significant legal and academic problems. Prevalence of this type of alcohol use (also known as "binge drinking" or heavy episodic drinking) and/or use of drugs can directly or indirectly lead to:

1. Social problems: driving under the influence, fighting, unwanted sexual contact, vandalism, trouble with authorities, unsafe sexual behavior, among others.
2. Academic problems: poor grades, missed classes, memory loss, falling behind in class work or projects.
3. Personal problems: depression, illness and injury, experiencing unwanted attempted or completed sexual intercourse, suicide, being the victim of violence or racial harassment, being unable to control drinking or drug use.

### **820.00 Second-hand effects**

"Second hand" effects result from other peoples' drinking or drug use, often experienced by students who choose not to use drugs or alcohol in a high-risk manner. These problems are typically most prominent among students living in close quarters (e.g., residence halls or Greek houses). Effects include: disruptions of sleep or studying, having one's property damaged, feeling unsafe, having one's membership in an organized group adversely affected, and decreased enjoyment of campus activities. Non-students, i.e., community members, are also at risk of experiencing problems as a result of student drinking or drug use (e.g., intoxicated driving, vandalism, violence, sexual assault).

### **830.00 Risks associated with dependency (also known as addiction):**

For some students, substance use escalates to dependency. Adverse effects of dependency can include illnesses such as liver disease, peripheral neuropathy, and cerebella degeneration. Additional health risks to students with chemical or psychological dependency include the personal problems listed above in addition to blackouts, alcoholic hallucinations, and delirium tremens. Prescribed medications and illicit drugs can be abused with or without dependency, leading to potential dependency, acute intoxication (can include depression or euphoria, altered time perception, impairment of immediate memory, overdose, stupor, shock, coma or death), acute withdrawal, psychosis, or aggravation of existing mental illness.

Symptoms of dependency include the following:

1. psychological craving: intense feeling of need for the drug which may be accompanied with antisocial behavior involved in the procurement of the substance;
2. physiological dependence: withdrawal symptoms are displayed when use of the substance is discontinued; and
3. tolerance: need to increase the dose of the substance to obtain the desired effects.

## 900.00 Treatment

### Student Services

MSU offers substance abuse prevention, early intervention, treatment and counseling services.

Prevention services are coordinated through the [MSU Health Promotion](#) program (994-7337) in the Swingle Health Center. Activities include education, outreach, and research with the focus on creating a safe and healthy campus environment.

Counseling services are provided through [Counseling & Psychological Services](#) (994-4531) in the Swingle Health Center. Early intervention is provided through the Alcohol and Drug Assistance Center/INSIGHT Program. Clients requiring long-term addiction therapy are referred to Alcohol & Drug Services of Gallatin County. A listing of community-based services is available from the Center.

### Employee Services

An employee assistance program (EAP) is available to provide information or confidential referral to drug and/or alcohol counseling or rehabilitation programs. An employee wishing to access the services may go to: [www.montana.edu/wellness](http://www.montana.edu/wellness); click on TLC button and access the TLC website (company code MUS) or call toll free 1-866-248-4532.

Employees needing help in dealing with drug/alcohol problems or information on insurance coverage for treatment and rehabilitation programs may also contact Human Resources.

The University's Counseling and Psychological Services, provides counseling and/or referral services to employees. The Counseling and Psychological Services Center is housed in the Swingle Health Center.

## 1000.00 Enforcement/Sanctions

Individuals who violate the University policy, city or state laws are subject to disciplinary action as a student under the Student Conduct Code; and as an employee under personnel policies or applicable collective bargaining agreement. Individuals may also be subject to criminal prosecution.

Student sanctions may include reprimand, probation, suspension, expulsion and/or restitution as well as required attendance at educational and/or treatment programs.

Employee sanctions may include disciplinary measures up to and including termination. MSU may require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who violates ... policy." ([Section 1230.30 Personnel Policies and Procedures Manual](#))

Criminal sanctions, regardless of status, may include jail, probation, mandatory counseling and/or education, fines, and suspension or revocation of driving privileges.

Groups displaying unreasonable and irresponsible conduct or violating this University Alcohol/ Other Drugs policy will jeopardize continuance of the University-recognized or supported event and access to University service and facilities.

## 1100.00 Biennial Review

MSU's Dean of Students Office reviews the University's drug and alcohol abuse prevention programs for students and employees biennially to determine the program's effectiveness and to implement changes to the program if needed. The review will include the collection of information about a) the number of drug and alcohol-related violations and fatalities that occur on campus or as part of the institution's activities which are reported to campus officials; and b) the number and types of sanctions imposed by the institution as a result of those drug and alcohol-related violations and fatalities.

A written report of the review shall be prepared and maintained by MSU for a period of at least three years.



# 800.00 Food Sales, Alcoholic Beverage Service and Vendors

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## 810.00 General Statement

For the purpose of reducing the risk of liability and maintaining quality, food safety and control, all food and beverages sold and provided on campus must be supplied by the University Food Services or as approved by the University in a contract with a user of University facilities. Non-University Food Service caterers or food vendors are not permitted to sell on campus.

## 820.00 Food Service at Promotional/Fundraising Activities by Affiliated Groups

1. Food and beverages may be served on campus that is prepared by a commercial or domestic source, if donated for promotional activities of the affiliated group, and the food and/or beverage is to be consumed by the group and its participants and not sold. The sponsoring group of an event will prominently display a sign at the event stating that product is donated by the licensed food and/or beverage vendor. Donation of food and/or beverages to an affiliated group does not give the donating food and/or beverage vendor permission or privilege to sell its product on campus.
2. Although University Food Services cannot donate food and/or beverage products, University Food Services may, on occasion, jointly sponsor an event if funds are available. The University Food Services may authorize the service of off-campus food for a jointly sponsored event.
3. No food and/or beverage from off-campus sources may be served in the Strand Union for affiliated or non-affiliated group events except as specified in [Section 600.00](#) of the SUB policy. However, the SOB Barn is available for affiliated groups to serve donated food and/or beverages without charge to the participants in the group activity.

## 830.00 Food Service by Non-Affiliated Groups Renting Sports Facilities

1. A non-affiliated group that has contracted to rent the Sports Facilities may serve off-campus food within the facility if it is part of the written contract governing the use of the facilities.
2. Food may be donated and served in Sports Facilities as part of a hospitality area for the convenience of its workers, officials, etc. Under no circumstances may such donated food be sold or provided to the general public.
3. All food sold or catered in Sports Facilities must be arranged through University Catering.

## 840.00 Food Service Requirements

1. All off-campus food and beverage services must be approved in advance by the Conference Services Director and the University Food Services Director.
2. All food served must be approved by the university Environmental Health Specialist. All caterers or food vendors must comply with the university beverage contract.
3. Any food or beverage served on campus must meet all applicable federal, state and local codes pertaining to food preparation and food service to the public.

850.00 (Section combined with Section 860.00 below, July 2008).

## 860.00 Exceptions

1. Exceptions to these guidelines will include historical educational events such as the International Food Bazaar, the Montana Dietetic Association and presentations which include specific products not sold but necessary for the presentation.
2. University Food Services has first right of refusal and may co-sponsor an event to allow a group to provide its products for the event, i.e. Belgrade High School selling its concessions for its track meet.
3. Private office gatherings, where no outside guests are invited to attend, such as staff meetings, holiday parties, birthdays, etc are permitted to bring pot luck type foods including pizza or sandwich type deliveries. However, no outside catering is permitted to cater these types of events.

## 870.00 Food Store Policy for Sports Camps

When a sports camp group has a need for store-type concessions for its campers, approval of products sold must be obtained through University Food Services. A complete list of products sold must be given to the Summer Food Service Manager two weeks before the camp store is opened. The manager will provide those items available from University Food Services. If University Food Services can not provide any items, the group will be given permission by the manager to obtain those items elsewhere.

## 880.00 Concessions

Concessions at the Stadium and Fieldhouse will be operated by University Food Services. University Food Services may contract with outside vendors to sell their products at various concession events provided it is determined to be appropriate and would enhance the concession's product line and sales and not detract from existing sales. The contract will be issued by University Food Services and the vendor will follow the rules set forth in the contract.

## 890.00 Events with Service of Alcoholic Beverages

### 1091.00 Authorization Requirements.

The Montana Board of Regents prohibits the consumption of alcoholic beverages on Montana State University property, except at locations and events as authorized by the President or designee. The Vice President for Administration and Finance, as designee of the President, may authorize consumption and/or service of alcoholic beverages at certain events. Consumption and/or service of alcoholic beverages will be approved only with a substantive event at which alcoholic beverages are not the primary focus of the event. Any sale and/or service of alcoholic beverages at an event must meet the following conditions:

1. All sales and service of alcohol shall be in compliance with Montana laws.
2. Any sale of alcohol must be by an authorized vendor holding a valid liquor license. Sale of tickets to an event where complimentary alcohol is served will be considered a sale of alcohol;
3. Unless using a licensed alcohol vendor, any server of alcohol at University sponsored events on and off campus must have responsible alcohol server training or TIPS training; No consumption of alcohol by persons selling or serving alcohol is permitted;
4. Any person who is authorized to serve or sell alcohol who has reason to question the age of a person ordering alcohol must verify age by requesting a photo identification that proves the individual is over 21. No service or sale of alcohol to persons who are intoxicated or disorderly is allowed;
5. Non-alcoholic beverages and food must be made available at events where alcohol is served or sold; and
6. Alcohol may only be served or consumed in approved locations.
7. Access to the event must be controlled by the Event Sponsor.

Before any alcoholic beverage may be served at events on the MSU campus, prior administrative approval must be obtained. If approval is not obtained before the event, alcohol service may not be allowed. It is the Event Sponsor's responsibility to make sure approval is obtained prior to the event.

### 1092.00 Approval Process.

The process for approving the consumption and/or sale of alcoholic beverages originates with University Catering. [Please go to the following website: http://www.montana.edu/culinaryservices/university\\_catering/request/ to complete your request.](http://www.montana.edu/culinaryservices/university_catering/request/ to complete your request)

If service of alcoholic beverages is approved, the Event Sponsor will be billed and is responsible to pay for all security as determined by the University. The level of security required is dependent on event size, nature and location of the event, effective risk management and other considerations as determined by the University.

### 1093.00 Exclusive Alcohol Vendor.

University Catering is not licensed to provide alcoholic beverages. Therefore, sale or service of alcoholic beverages at any event requires the use of the licensed alcohol vendor under contract to the University. Because this is an exclusive agreement, only the University's contract vendor is legally permitted to provide alcoholic beverages for any University events. Event Sponsors who plan to provide, sell or serve alcohol must contact University Catering to reserve the services of MSU's vendor and to follow all [rules for such use](#). Direct contact by the group with the vendor to make alcohol arrangements is not permitted. University Catering can be contacted at 994-3336.

### 1094.00 Exceptions.

The following events require approval of the President's designee and compliance with this policy but do not require the use of University Catering and/or the University's exclusive alcohol vendor:

- A. Events at the Museum of the Rockies and University events at the MSU Foundation Building.
- B. Private tailgate parties and Suites at the Stadium for football games and scrimmages, if alcoholic beverages are brought by private individuals for their personal consumption.



# Tobacco Free Campus Policy

**Subject:** Physical Plant

**Policy:** Tobacco Free Campus

**Effective Date:** August 1, 2012

**Review Date:** Three years from date of adoption

**Responsible Party:** Student Success

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**INTRODUCTION:** Tobacco use and secondhand smoke have been identified by the Surgeon General to be the cause of preventable diseases. Additionally, in 2009, the Montana legislature decreed that the "right to breath smoke-free air has priority over the desire to smoke" (Montana Code 50-40-102). It is the policy of MSU to promote the health, wellness, and safety of all employees, students, guests, visitors, and contractors while on campus. Therefore, the campus will be free of tobacco-use effective August 1, 2012.

**PURPOSE:** The purpose of this policy is create a healthier, cleaner campus living and learning environment on the campus. Therefore, all use of tobacco on the MSU campus, including all facilities operated under the control of MSU, is prohibited.

**DEFINITION:** For the purposes of this policy, "tobacco" is defined to include any tobacco product, including but not limited to any lighted or unlighted cigarette, cigar, pipe, bidi, hookah, and all forms of smokeless tobacco and any nicotine delivery device that has not been approved by the FDA for cessation.

**POLICY:**

1. The use of tobacco (including cigarettes, cigars, pipes, smokeless tobacco and all other tobacco products) by students, faculty, staff, guests, visitors, and contractors is prohibited on all properties owned or leased by MSU, including:
  1. all interior space on the MSU campus and property leased by MSU, including the agricultural research centers and other remote sites;
  2. all outside property or grounds on MSU's campuses, including areas such as walkways, breezeways, parking lots, and patios;
  3. all outside property leased by MSU;
  4. all vehicles leased or owned by MSU;
  5. all indoor and outdoor athletic facilities.

2. Advertising, sale, or distribution of tobacco is prohibited on MSU's campus.
3. Tobacco industry and related company sponsorship of campus groups, events, individuals, and departments is prohibited. This includes scholarships, sponsorship of faculty positions, and recruiting for employment. Tobacco industry and related company sponsorship of MSU athletic events and MSU athletes is prohibited.
4. Littering any university property, whether owned or leased, with the remains of tobacco products is prohibited.
5. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, cultural events, and sporting events using MSU facilities are required to abide by MSU's tobacco-free policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.
6. For more information, please access the following link to our [FAQs](#).

**TOBACCO USE CESSATION PROGRAMS:** Students and employees wanting to quit the use of tobacco can access the Montana Quit Line at 1-800-784-8669 (1-800-QUIT-NOW). Employees on the MUS medical benefits plan can also contact the MUS Employee Benefits Department at 1-877-501-1722 or visit the MUS benefits website at [www.mus.edu/choices](http://www.mus.edu/choices) to explore eligibility for the Tobacco Cessation Benefit.

**COMPLIANCE:** All university employees, students, visitors, guests, and contractors are required to comply with this policy, which shall remain in effect at all times. Refusal to comply with this policy may be cause for disciplinary action in accordance with employee and student conduct policies. Refusal to comply with the policy by visitors, guests and contractors may be grounds for removal from campus.

**EXCEPTIONS:** The following activities may be conducted as exceptions to the policy subject to advance approval as indicated.

1. The use of tobacco products in laboratory and classroom instruction/experiments, or for artistic purposes. All research, educational, and/or artistic purposes that involve the use of tobacco on campus must be approved in advance by the Provost or designee. Such use must be preceded by reasonable advance notice to the public. Nothing in this policy is intended to prohibit research on tobacco companies or tobacco products.
2. Specific activities used in connection with the practice of cultural activities by American Indians that are in accordance with the American Indian Religious Freedom Act, 42 U.S.C. sections 1996 and 1996a allow for the use of ceremonial tobacco. All ceremonial use exceptions must be approved in advance by the President of MSU or his/her designee.

# Conduct Guidelines and Grievance Procedures for Students

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## **Policy: MSU Conduct Guidelines and Grievance Procedures for Students**

**Revised: August 2006; February 2009; August 2010; July 2011; April 2012; August 2012; March 2015; March 2018; November 2019**

**Effective Date: August 23, 2006; updated March 7, 2018; updated November 6, 2019**

**Review Date: November 2022**

**Responsible Party: Dean of Students Office, SUB Room 174, (406) 994-2826**

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## **Introduction and Purpose:**

The Dean of Students Office reviews the MSU Conduct Code and Grievance Procedures for Students annually. As changes occur in the organizational, operational, educational, and legal environments, the guide is revised.

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## 100.00 Instructor Responsibilities

### 110.00 Course Outline and Syllabus

The general content of a course or academic program must be described with reasonable accuracy in catalogs and other written documents available to students. Instructors must state, in writing or by electronic means, the course content and objectives. This material must be given (or otherwise made available) to the students at the first or second class meeting.

### 120.00 Course Expectations

#### **A. Classroom Behavior**

Instructors may establish additional reasonable rules for classroom behavior and must articulate such rules as part of the other course materials provided to the students. In the absence of any such written expectations, the expectations outlined in Section 310.00 AF, and Section 610.00 shall apply.

#### **B. Collaboration Among Students**

Unless otherwise specified, students may not collaborate on graded material. Instructors are encouraged to provide collaborative learning opportunities but must state, in writing or by electronic means, the limits of assistance permitted between and among students in a course assignment or academic evaluation.

#### **C. Instruction Responsibilities**

Unless otherwise stated, students are expected to be prompt and regular in attending classes, turning in assignments on time and in taking exams when scheduled. Instructors may establish additional rules for attendance and make-up exams and must articulate these clearly in writing. Instructors must be prompt in meeting their scheduled classes, be available for appointments with students at designated times, be well prepared for classes, and be fair and prompt in grading class assignments and tests. The scheduled final examination period must be used for final examinations in the class or other instruction.

### 130.00 Personal Information About Students

Factors such as race, creed, color, religion, sex, age, national origin, disability, political beliefs or personal relationships must not be considered in matters of academic evaluation, academic assignments, or classroom procedures. If an instructor learns personal information about the student (religious and political views, sexual orientation, etc.) during the progress of the course, he or she must not share such information with the other students nor should such knowledge influence the evaluation of the student. Additionally, all university employees—including faculty, instructors and staff—must abide by the Family Educational Rights and Privacy Act of 1974 (FERPA). This Act affords students certain rights with respect to their education records.

### 140.00 Office Hours

Instructors are required to make time available for student conferences preferably through regularly scheduled office hours. Office hours should be convenient to both students and the instructor with the opportunity provided for prearranged appointments. Available office hours should be communicated to students.

## 150.00 Absence From Class

Instructors are required to meet their classes regularly and at scheduled times. In case of illness or emergency, the department should be notified and arrangements should be made to have another staff member instruct the class or promptly notify students of cancellation. Classes may not be canceled for the convenience of the instructor. When an instructor knows in advance that he or she will miss a class, arrangements must be made to have the work of the class continue, either by arranging for a substitute instructor, by scheduling an examination for that day, or by providing some alternate work assignment for the students.

## 160.00 Grading

Instructors must specify in writing, as part of the syllabus, the specific grading policies for the class. Grading is the prerogative and responsibility of the instructor. Instructors are responsible for the assignment of the final course grade. The assigned grade must reflect the performance of the student in the course commensurate with the content and objectives of the course. If a student questions his or her grade, the instructor has a responsibility to discuss the matter with the student. If the instructor cannot satisfactorily resolve the matter, the student must be advised of the grievance procedures, [see section 530.00](#).

Should a grievance be filed, the instructor will provide assistance as necessary to process the grievance. Graded examinations, papers, and other sources of evaluation are to be available to the student for inspection and discussion. If the instructor chooses ultimately to retain these materials, they must be kept for a period of one year. If graded materials become the property of the student, then uncollected materials must be kept for one semester. Adjunct and part-time instructors should arrange for storage with the department in their absence. The grade records will be retained for at least one year to provide the opportunity for review and resolution of grade disputes.

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## 200.00 Instruction Complaint Procedures

Students who have complaints about instructors who have failed to meet their instructional responsibilities may submit an Instruction Complaint to the instructor's Department Head. The complaint must be presented in writing to the Department Head or Director no later than the fifteenth day of university instruction of the following term. The Department Head will address the matters raised in the complaint with the instructor and will advise the student of his or her determination regarding the complaint within ten (10) business days. If the Department Head fails to act or the student is dissatisfied with the Department Head's action, the student may forward the complaint to the Dean of the College within five (5) business days of receipt of the Department Head's determination. The Dean will submit a written decision to the student within ten (10) business days of the receipt of the appeal. The Dean's decision is the final decision of the University.

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## 300.00 Student Responsibilities

### 310.00 Academic Expectations

Students must:

- A.** Be prompt and regular in attending classes;
- B.** Be well prepared for classes;
- C.** Submit required assignments in a timely manner;
- D.** Take exams when scheduled, unless rescheduled under 310.01;
- E.** Act in a respectful manner toward other students and the instructor and in a way that does not detract from the learning experience; and
- F.** Make and keep appointments when necessary to meet with the instructor. In addition to the above items, students are expected to meet any additional course and behavioral standards as defined by the instructor and listed in the syllabus.

#### 310.01

A student officially representing MSU in athletic events, government, performance, or in similar official capacities, is entitled to the rescheduling of exams or important assignments due to required absences, only if a student has met the academic expectations outlined in section 310.00 of the Student Conduct Code. Students who do not meet the academic expectations, however, may not be entitled to special accommodations. Students are expected to provide course instructors with official notification of scheduled activity(ies) as early as possible, preferably at least ten (10) days in advance of the event.

Students participating in official MSU activities should not expect any special accommodation for attendance at regularly scheduled practice sessions or meetings (i.e., the routine activities required for performance, athletic pursuits, etc.). However, students who are official representatives of MSU who have regularly scheduled meetings or practices that conflict with a Common Hour exam may request of their instructor that they be allowed to arrive up to 30 minutes late for a Common Hour Exam. The approval of such a request is entirely at the discretion of the instructor. The instructor must be notified at least ten days in advance. Students and instructors are encouraged to work with the Testing Center to assist with any accommodations if alternate testing possibilities cannot be arranged readily within the program or department.

### 320.00 Assistance

Students should seek assistance from the instructor and from the appropriate University support services (e.g., tutors, study skills counseling, career development, etc.), if the need for such services arises.

### 330.00 Evaluation

Students should follow fair and appropriate procedures when evaluating their courses and instructors. Factors such as race, ethnicity, color, religion, sex/gender, sexual orientation or preference, age, national origin, disability, marital status, political beliefs, veteran status or personal relationships may not be considered.



## 340.00 Academic Honesty

The integrity of the academic process requires that credit be given where credit is due. Accordingly, it is academic misconduct to present the ideas or works of another as one's own work, or to permit another to present one's work without customary and proper acknowledgment of authorship. Students may collaborate with other students only as expressly permitted by the instructor. Students are responsible for the honest completion and representation of their work, the appropriate citation of sources and the respect and recognition of others' academic endeavors.

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## 400.00 Academic Misconduct & Classroom Disruption Procedures

The administration, faculty and students of Montana State University believe that academic honesty, integrity and appropriate behavior in the classroom are fundamental to the mission of higher education. The University has a responsibility to promote academic honesty and integrity and to assure the highest ethical and professional standards and behavior in the classroom. Accordingly, the University has developed procedures that address instances of academic misconduct and disruptions in the classroom. Students who violate these standards violate this policy and will be subject to academic and/or disciplinary sanctions.

### 410.00 Academic Misconduct Policy

Includes cheating, plagiarism, forgery, falsification, facilitation or aiding academic dishonesty; multiple submission, theft of instructional materials or tests; unauthorized access to, manipulation of or tampering with laboratory equipment, experiments, computer programs, or animals without proper authorization; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means.

### 420.00 Descriptions and Examples

A description of some forms of academic dishonesty and some examples are provided to help the student understand their responsibilities for academic honesty:

**A. Cheating** - giving, using or attempting to use unauthorized materials, information, notes, study aids or other devices in any academic exercise including unauthorized communication of information. Examples of cheating include copying from another student's paper or receiving unauthorized assistance during a quiz, test or examination; using books, notes or other devices such as calculators, unless authorized; acquiring without authorization copies of tests or examinations before the scheduled exercise; or copying reports, laboratory work or computer programs or files from other students.

**B. Falsification / Fabrication** - the invention or unauthorized alteration of any information or citation in an academic exercise. Examples of fabrication include inventing or counterfeiting data or research procedures to give the appearance of results being achieved from procedures that were not undertaken. Examples of falsification include the false citation of a source of information; altering the record of, or reporting false information about practicum or clinical experiences; altering grade reports or other academic records; submitting a false excuse for absence or tardiness; or altering a returned examination paper and seeking a better grade.

**C. Tampering** - interfering with, altering or attempting to alter university records, grades, assignments, laboratory experiments or other documents without authorization. Examples of tampering include using a computer or false-written document to change or affect the grade recorded for a student; forging the signature of a university official on a drop/add sheet or other official university record; erasing records or information of a student; unauthorized access to a university record by computer or unauthorized entry into an office or file; or obtaining information from the university without proper authorization.

**D. Plagiarism** - presenting the work of another as one's own without proper acknowledgment. Examples of plagiarism include submitting as one's own work the work of another student, ghost writer or commercial writing service; directly quoting from a source without acknowledgment; paraphrasing or summarizing another's work without acknowledging the source; or using facts, figures, graphs, charts or information without acknowledging the source. Plagiarism may occur orally or in writing and may involve computer programs and files, research designs, distinctive figures of speech, ideas and images or any other information that belongs to another person and is not acknowledged as such. Inadvertent or unintentional misuse or appropriation of another's work (such as relying heavily on source material that is not expressly acknowledged) is still considered plagiarism. It is also considered Plagiarism when collaborating on work with the knowledge that the collaboration is not authorized or will not be reported.

**E. Facilitating academic misconduct** - giving assistance or attempting to assist another in the commitment of academic misconduct.

**F. Multiple submission** - submitting the same paper or oral report for credit in two University courses without the instructor's permission; making minor revisions in a paper or report for which credit has already been received and submitting it again as a new piece of work.

**G. Other Academic Misconduct** - Examples of academic misconduct include allowing another student to copy from one's paper during an examination or test; distributing test questions or substantive information about the material to be covered on a test before the scheduled exercise; or taking an examination or test for another student or signing a false name on an academic exercise.

## 430.00 Academic Misconduct Procedures

### 431.00 Instructor Adjudication

If an instructor has reason to believe that a student has engaged in academic misconduct, the following procedures apply.

### 432.00 Informal meeting

The instructor must attempt to personally and privately meet with the accused student and explain that there is reason to believe that the student has allegedly committed an act that constitutes academic misconduct. During this informal meeting, the accused student is allowed a reasonable opportunity to respond or explain the circumstances that lead to the accusation. If, after hearing the student's response (if any is provided), the instructor continues to believe the student engaged in academic misconduct, they will inform the student of their determination of any intended sanction(s).

The instructor will submit the [Academic Misconduct Notification](#) form on the Dean of Students' website. The Dean of Students' office will forward a copy of that form to the student and the appropriate Academic Dean. The Dean of Students' office will forward a copy of the report to the Dean of the Graduate School when the finding involves a graduate student.

The instructor has the right to refuse to sign a drop form for the class in question. The Academic Misconduct Notification form shall be kept for seven years from the date of receipt.

#### **433.00 Instructor Imposed Sanctions**

The following sanctions may be imposed by instructors when a finding is made that academic misconduct has occurred.

- A. Oral reprimand;
- B. Written reprimand;
- C. An assignment to repeat the work or an alternate assignment;
- D. A lower or failing grade on the particular assignment or test;
- E. A lower grade or failing grade in the course;

#### **434.00 Additional Sanctions Under Student Code of Conduct**

##### **434.01 Referral by Instructor**

In addition to the imposition of the academic sanctions, an instructor may request in writing that the Dean of Students file a charge against the student for violation of the Code of Student Conduct pursuant to Sec. 600.00. If the student is found in violation of the Code of Student Conduct through a student conduct hearing in the Dean of Students' office, additional sanctions may be imposed in addition to the instructor imposed academic sanctions.

These additional sanctions may include, but are not limited to:

- A. Removal of the student from the course in progress;
- B. Removal of the student from a major, college or program;
- C. Withdrawal of degree or academic credit previously bestowed; and
- D. Any sanction that may be imposed for violation of the Code of Student Conduct (reference [Section 660.00](#)), including disciplinary probation, suspension or expulsion from the University.

##### **434.02 Recurrence of Academic Misconduct**

A student who receives a second or subsequent instructor imposed academic sanction from any instructor will be charged with a violation of the Code of Student Conduct (Section 650.00) and will be subject to additional disciplinary sanctions, including but not limited suspension or expulsion.

#### **440.00 Appeal of Instructor - Imposed Academic Sanctions**

##### **441.00 Right to Appeal**

A student who receives a sanction for Academic Misconduct under Sec. 433.00 may appeal the instructor's determination that academic misconduct occurred using the procedure outlined below.

##### **442.00 Instructor-Imposed Academic Misconduct Sanction Appeal Procedure**

###### **A. Dean's Review for Undergraduate Students**

The student may present a formal appeal in writing to the instructor's Dean (or designee) no later than five (5) business days after receiving the Instructor's determination of Academic Misconduct. The student must provide evidence that the instructor's determination of academic misconduct was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean after receipt of the appeal. The instructor shall present their evidence that the charged student committed academic misconduct. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion may interview either or both parties. The Dean shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor, unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean is the final decision of the University in the matter for undergraduate students.

###### **B. Dean's Review For Graduate Students:**

The graduate student may present a formal appeal in writing to the Dean of the Graduate School (or designee) no later than five (5) business days after the Instructor's determination of Academic Misconduct. The student must provide evidence that the instructor's determination of academic misconduct was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean of the Graduate school after receipt of the appeal. The instructor shall present his or her evidence that the charged student committed academic misconduct. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion, may interview either or both parties. The Dean of the Graduate School shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean of the Graduate School shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean of the Graduate School is the final decision of the University in the matter for graduate students.

#### **443.00 Appeal of Additional Sanctions/Multiple Violations**

Sanctions imposed by the Dean of Students pursuant to part 434.00 may be appealed in accordance with the provisions of the Student Conduct Code part 670.00.

#### **450.00 Grade Pending Resolution**

If the student's appeal of the instructor's academic misconduct determination has not been resolved before the instructor submits final grades in the course, an incomplete grade ("I") will be assigned until the matter is concluded. A grade assigned before the instructor's knowledge of academic misconduct may be changed after it was assigned if the grade was obtained through academic misconduct or by fraud.

#### **460.00 Disruptive Student Behavior**

##### **461.00 Policy Purpose**

Though students and faculty share the responsibility for maintaining professional relationships based on mutual trust and civility, the primary responsibility for managing the classroom environment rests with the instructor. The purpose of this policy is to offer guidance to instructors for maintaining order in the classroom, laboratory, during academic field trips, and throughout the educational process.

Disruptive behavior is defined as any behavior that a reasonable instructor believes substantially interferes with the teaching or learning process, whether in a classroom or other learning environment (such as an online course, laboratory, field experience, internship, instructor's office, computer lab, or other setting whether it is an on-campus or off-campus location) and continues after an instructor's request to cease. Examples of disruptive behavior include, but are not limited to:

- Verbal abuse of or threatening the instructor or other students;
- Damaging classroom furniture or property;
- Creating excessive noise;
- Refusal to comply with instructor direction;
- Persistently speaking without being recognized or called upon;
- Refusing to be seated;
- Unauthorized use of cell phones, laptops or other relevant technology;
- Smoking or vaping in the classroom; and
- Disrupting the class by repeatedly leaving and entering the room without authorization.

It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior. Disruptive behavior also does not include appropriate demonstration of disagreements or differences of opinion, cultural differences, differing values or beliefs, or needing extra time or attention based on reasonable accommodation for disabilities.

#### **470.00 Dismissal From a Course**

##### **471.00 Temporary dismissal from a course**

When a student engages in disruptive behavior, instructors should warn the student the behavior is disruptive and must cease or the student may face removal from the class. Instructors should document incidents of disruptive behavior as they arise, even though they may appear to be minor at the time.

If a student continues to engage in disruptive behavior, the instructor may direct the student to leave the class for the remainder of the class period. In such instances, and no later than one working day after the dismissal, instructors must report the temporary dismissal to their Department Head and the Office of the Dean of Students. If a student is instructed to leave a class while instruction is ongoing, the student must immediately comply.

After any temporary dismissal from a class, the instructor should attempt to personally and privately meet with the dismissed student in an informal meeting to discuss the disruptive behavior and classroom expectations.

##### **472.00 Permanent dismissal from a course**

If a student's disruptive behavior is extreme or continuous, instructors may dismiss students from participating in a course for the remainder of the semester. The procedure for an instructor to permanently dismiss a disruptive student is as follows:

1. The instructor must prepare a Statement of Facts (SOF). The SOF must include:
  1. The name of the individual student engaging in disruptive behavior;
  2. The factual details of the disruptive behavior or incident that justify the proposed dismissal;
  3. The names of any witnesses to the disruptive behavior;
  4. Any applicable dates, times, and locations.
2. Prior to the class period immediately following the disruptive incident, the SOF must be submitted to the instructor's Department Head and the student. The student will have five days to respond to the SOF in writing to explain the disruptive behavior and the student's position on dismissal from the course. The department head will review all evidence provided by the student and instructor, and at the department head's discretion may interview either or both parties. The department head will then approve or deny the permanent dismissal, with a copy of the SOF, the student's written response, and the decision sent to the Office of the Dean of Students. The Department Head's decision must be communicated to the instructor and the student within two business days of receiving the student's written response to the SOF.
3. A student dismissed from a course by an instructor may not continue to attend the course while awaiting a final determination from the Department Head or a final determination of any appeals; however, the student shall be permitted to submit assignments, tests, and other work as appropriate so long as the student does not engage in any disruptive behavior during such submissions. The instructor will facilitate access to necessary materials for homework and tests.

## **473.00 Appeal of Instructor-Imposed Dismissal from a Course**

### **473.10 Right to Appeal**

A student who is dismissed from a course under Sec. 472.00 may appeal the determination using the procedure outlined below.

### **473.20 Instructor-Imposed Course Dismissal Appeal Procedure**

#### A. Dean's Review for Undergraduate Students

The student may present a formal appeal in writing to the instructor's Dean (or designee) no later than five (5) business days after receiving the department head's approval of the dismissal for disruptive behavior. The student must provide evidence that the dismissal was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean after receipt of the appeal. The instructor shall present their evidence that the charged student committed extreme or continuous disruptive behavior justifying a dismissal from the course. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion may interview either or both parties. The Dean shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor, unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean is the final decision of the University in the matter for undergraduate students.

#### B. Dean's Review For Graduate Students:

The graduate student may present a formal appeal in writing to the Dean of the Graduate School (or designee) no later than five (5) business days after receiving the department head's approval of the dismissal for disruptive behavior. The student must provide evidence that the dismissal was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean of the Graduate school after receipt of the appeal. The instructor shall present his or her evidence that the student committed extreme or continuous disruptive behavior justifying a dismissal from the course. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion, may interview either or both parties. The Dean of the Graduate School shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean of the Graduate School shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean of the Graduate School is the final decision of the University in the matter for graduate students.

## **480.00 Recurrence or Multiple Disruptions**

A student who is dismissed from a course after multiple disruptive incidents will be charged with a violation of the Code of Student Conduct (Section 650.00) and will be subject to additional disciplinary sanctions, including but not limited suspension or expulsion.

## **490.00 Retaliation Prohibited**

Retaliation against an individual who takes any action in accordance with this policy, including but not limited to witnesses or a student reinstated after appeal, is prohibited. Concerns of retaliation should be reported to the Department Head or Dean. If the Department Head or Dean are alleged to have engaged in retaliatory conduct, the matter should be reported to the Provost.

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# **500.00 Student Academic Grievance Procedures**

## **510.00 Introduction**

Students who disagree with an academic decision made by an instructor or administrator, including the assignment of grades or decisions about program or degree requirements or eligibility, may file a grievance under these procedures.

## **520.00 Academic Decisions Reviewed**

These procedures are available only to review allegedly unfair academic decisions and not mere differences of opinion regarding the professional judgment of the instructor in evaluating a student's work or making an academic decision. The academic decision, including the assignment of a grade, will be considered unfair if the decision is made:

- A. On some basis other than performance in the course and/or compliance with course assignments and requirements;
- B. By more exacting or demanding standards than were applied to other students in the same section;
- C. By a substantial departure from the instructor's, department's, college's or university's announced standards as articulated in the course syllabus, catalog descriptions and/or other written materials.

## 530.00 Student Academic Grievances

### 531.00 Procedures

A student who wishes to grieve an academic decision must proceed as follows:

#### 531.01 Informal Meeting

The student should attempt to resolve the matter directly with the instructor or administrator through a personal conference as soon as possible after the academic decision is known.

#### 531.02 Department Head/Director Review

If the student and instructor cannot reach a mutually satisfactory resolution to the problem, the student may file a formal grievance. The grievance must be presented in writing to the instructor's Department Head/Director no later than the fifteenth day of university instruction of the following term. The student must describe the grievance, the date(s) of occurrence, why the student believes the decision was unfair, the student's attempts to resolve the grievance informally and the precise relief sought by the student. The student may attach copies of any relevant documents.

The student shall send a copy of the grievance to the instructor. The instructor shall have five (5) business days to respond to the student and Department Head/Director after receipt of the grievance.

Once a student files a grievance, he or she will be assigned an incomplete grade ("I") until the matter is concluded. A grade assigned before the filing of the grievance may be changed by the Dean or Graduate Dean, if, after the grievance procedures have been completed, the grade is found to be unfair or otherwise improper.

The Department Head/Director will receive and review all evidence, interview each party, if possible, and render a written decision with recommendations as to resolution within five (5) business days of receipt of the instructor's response. If the grievance is not concluded within this time, the student may carry it forward to the Dean or Graduate Dean for resolution.

#### 531.03 Dean's Review

##### A. For Undergraduate Students:

Either party may appeal the Department Head/Director's decision in writing to the instructor's College Dean, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head / Director's determination. The Dean will submit a written decision to the student, instructor, and the Department Head/Director within five (5) business days of receipt of the appeal.

The decision of the Dean is the final decision of the University in grievances for undergraduate students.

##### B. For Graduate Students:

Either party may appeal the Department Head/Director's decision in writing to the Dean of the Graduate School, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head/Director's determination. The Graduate Dean will discuss the appeal with the Dean of the student's academic college and will subsequently submit a written decision to the student, instructor, and the Department Head/Director within five (5) business days of receipt of the appeal.

The decision of the Graduate Dean is the final decision of the University in grievances for graduate students.

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## 600.00 Code of Student Conduct

*(Revised March, 2015; Effective July 1, 2015)*

The Montana State University academic community seeks to foster a campus environment conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The student conduct process at MSU is an educational and developmental process that balances the interests of individual students with the interests of the academic community.

Students are essential members of the MSU community and are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. The student conduct process at MSU is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exists for members of our academic community. Sanctions are intended to improve the students' moral and ethical decision-making and to help them learn more about what is expected as members of our community. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the academic community, the conduct process may determine that the student should no longer share in the privilege of being a member of this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness, but do not include the same protections of due process afforded by the courts in criminal cases. Due process, as defined within these procedures, assures written notice and a hearing before an impartial board or hearing officer. No student will be found in violation of the MSU Code of Student Conduct without a determination that is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Students at Montana State University are responsible for reading and adhering to this Code of Student Conduct. Annually, students are provided a link to this Code of Student Conduct on the University website. Hard copies are available upon request from the Office of the Dean of Students.

## 610.00 Judicial Authority and Jurisdiction

**A.** The Code of Student Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University-affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and during the student's attendance.

**B.** The University retains conduct jurisdiction over students who 1) are on University holidays and during summers between enrolled semesters;

and/or 2) choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, or graduate and all directives and/or sanctions must be satisfied prior to re-enrollment eligibility. If serious misconduct was committed while the student was enrolled but reported after the accused student has graduated or withdrawn, the University may invoke these procedures.

**C.** The Code of Student Conduct applies to behaviors that take place on campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others;
- Any conduct that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.

**D.** The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University shall not regularly search for this information but may take action if and when such information is brought to the attention of University officials. No violation of the Code of Student Conduct can occur when the speech that is subject to the complaint is protected by the student's free expression rights under the First Amendment.

**E.** Students who commit offenses that violate the laws of the city, state or United States are subject to prosecution by those authorities and may be subject to disciplinary action under this code if the offenses are also violations of this code. University disciplinary proceedings may precede, follow, or take place simultaneously with criminal investigations or proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

**F.** When a student has been charged by a civil authority for a violation of law, the University will neither request nor agree to special consideration for the student solely because of his or her status as a student.

**G.** When a complaint is filed with appropriate University officials charging a student with violating the Code of Student Conduct, the University is responsible for conducting an investigation, initiating charges and adjudicating those charges. Charges under the Code of Student Conduct that are filed by the University are brought forward by the University and not an individual complainant. If the complainant decides to withdraw the complaint, the University may proceed with the case.

**H.** University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their designated University email address.

## 620.00 Proscribed Conduct

Any student found to have committed a violation of the Code of Student Conduct is subject to disciplinary sanctions outlined in Section 660.00. The following offenses constitute violations of the Code of Student Conduct and can lead to serious disciplinary action, including suspension or expulsion from the University.

### 621.00 Acts of Dishonesty

Acts of dishonesty include but are not limited to:

- A.** Cheating, plagiarism or other breaches of academic integrity, such as fabrication, facilitating or aiding academic dishonesty; theft, unauthorized possession or use of instructional materials or tests; unauthorized access to or manipulation of laboratory equipment or experiments; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means. (Refer to Academic Misconduct Procedures, 420.00 for additional definitions)
- B.** Knowingly furnishing false information to any University official, faculty member or office.
- C.** Forgery, alteration or misuse of University documents, records, instruments of identification, computer programs or accounts.

### 622.00 Harassment, Hazing, and Bystanding

**A. Harassment** includes but is not limited to verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion, which:

1. Is threatening or carries with it the intention to do bodily harm; or
2. Disrupts or undermines a person's exercise of their responsibilities as a student, faculty or staff member including unreasonably interfering with a person's educational or work performance.

Harassment which is based upon discrimination as defined in MSU's [Discrimination, Harassment and Retaliation Policy](#) is also proscribed conduct, but that type of harassment is covered in Section 624.00 below; it is a separate offense from Harassment under this section and such conduct is investigated and adjudicated as provided in the [Discrimination, Harassment and Retaliation Policy](#).

**B. Hazing** includes, but is not limited to, any conduct or method of initiation, admission or condition of continued membership in any student organization which:

1. Endangers the physical or mental health or safety of any student or other person, including extended deprivation of sleep or rest; forced consumption of food, liquor, beverage, or drugs; beating or branding; involuntary confinement or imprisonment; or
2. Destroys, vandalizes or removes public or private property

**C. Bystanding** includes, but is not limited to:

1. Conduct of a student who is present when a serious violation of the code of Student conduct occurs and who encourage, assists, or fails to take reasonable actions to prevent or stop conduct that: 1) could result in serious injury to person, including sexual misconduct; or
2. Conduct of an organized group that encourages, assists, or fails to take reasonable actions to prevent or stop conduct that could result in serious injury to a person, including sexual misconduct.

## 623.00 Assault and Harm to Persons

**A. Physical assault** which includes, but is not limited to: physical contact of an insulting or provoking nature or physical interference with a person which prevents the person from conducting his/her customary or usual affairs, puts the person in fear for his/her physical safety, or causes the person to suffer actual physical injury.

### **B. Threatening and Intimidating Behaviors**

1. **Threat** is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
2. **Intimidation** is defined as implied threats or acts that cause a reasonable fear of harm in another.

**C. Bullying and Cyberbullying** are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

## 624.00 Discrimination, Harassment and Retaliation Policy Offenses

Violation of Montana State University's Policy on [Discrimination, Harassment and Retaliation Policy](#) is a violation of this Code of Student Conduct. The definitions of discrimination, harassment and retaliation are defined in the [policy](#).

## 625.00 Alcohol and Drug Offenses

**A.** Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This also includes the abuse, distribution or improper use of prescription drugs.

**B.** Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana State University except as expressly permitted by law or University policy.

**C.** Smoking or tobacco use on campus in violation of the University's Tobacco Free Campus Policy.

## 626.00 Firearms, Explosives, and Weapons Offenses

**See:** [University Weapons Policy](#)

## 627.00 Illegal and Disruptive Conduct

**A.** Violation of federal, state or local law on University premises or at University sponsored activities; violation of published University policies, rules or regulations.

**B.** Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University, including but not limited to:

1. Violence or threat of violence against self or any member or guest of the University community.
2. Interference with the freedom of movement of any member or guest of the University.
3. Interference with the rights of others to enter, use or leave any University facility, service or activity.
4. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures or other University activities, or of other authorized activities on University premises.
5. Use of public address systems on the campus outside of University buildings except with written permission of the Office of Student Activities.
6. Failure to comply with directions of law enforcement officers and University officials acting in the performance of their duties and/or failure to identify oneself to those persons when requested.
7. Failure to comply with any authorized Student Conduct Code sanction(s)/condition(s).
8. Trespassing or unauthorized entry into University buildings or property.
9. Unauthorized use (including misuse) of University or organizational names, trademarks, and images as specified in the [Graphic Identity and Branding Policy](#) and [Use of University Name and Logos by Registered Student Organizations Policy](#).

## 628.00 Theft/Misuse of Property

**A.** Theft, attempted theft, unauthorized possession, use, or removal of University property or the property of any member of the University community.

**B.** Defacing, tampering, damaging or destroying University property or the property of any member of the University community.

**C.** Unauthorized presence in or use of University grounds, facilities, or property.

**D.** Theft or other abuse of computer facilities, capabilities and/or computer time, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.
3. Unauthorized use of another individual's identification or password.
4. Use of computing facilities to interfere with the work of another student, faculty member or University official.
5. Use of computing facilities to send harassing or abusive messages.
6. Use of computing facilities to interfere with the normal operation of the computing system.
7. Unauthorized use of computer resources, or the unauthorized use or copying of computer data or software. Examples of unauthorized use or copying include: attempts to alter systems, unauthorized access or copying of data or software, attempts to release data, text, files or software in violation of copyright protection and the condoning, approving, or directing of unauthorized use or copying.
8. Unlawful downloading and distribution of copyrighted digital media via peer-to-peer (P2P) file sharing applications including, but not limited

to video (movies) and sound (music) files.

9. Attempts to circumvent or defeat any University owned system firewall or any other mechanism put in place to manage the network.

**E.** Theft of telephone services or other auxiliary services, including food services, housing, parking, etc.

## 629.00 Other Proscribed Conduct

**A. Fire Safety** - Violation of local, state, federal or campus fire policies including, but not limited to:

1. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury;
2. Failure to evacuate a University building during a fire alarm;
3. Improper use of University fire safety equipment; or
4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions.

**B. Wheeled Devices** – Skateboards, roller blades, roller skates, bicycles and similar devices are not permitted to be ridden inside University buildings. Bicycles are not permitted inside University buildings for storage, except as allowed in the residence halls and family housing by Residence Life Policy. Additionally, skateboards and other wheeled items may not be operated in a dangerous or reckless fashion, or on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to University property caused by these activities. Failure to yield to pedestrians or failure to abide by traffic laws/rules on campus is considered a conduct violation.

**C. Abuse of Conduct Process** - Interference with, or failure to comply in, University conduct and academic misconduct hearings including, but not limited to:

1. Falsification, distortion, or misrepresentation of information;
2. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
3. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
4. Harassment (verbal or physical) or intimidation of witnesses or a member of a conduct hearing board prior to, during or following a conduct proceeding;
5. Failure to comply with the sanction(s) imposed by the conduct program;
6. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

**D. Failure to Comply** – Students must comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

**E. Financial Responsibilities** - Failure to promptly meet financial responsibilities to the institution, including, but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

**F. Arrest** - Failure of any student to accurately report the student's arrest by any law enforcement agency to the Office of the Dean of Students within seventy-two (72) hours of for any felony crime that occurs 1) on University premises, 2) at University sponsored activities, or 3) off-campus. A felony crime is a crime for which more than one year in prison may be imposed.

## 630.00 Student Conduct Programs

The University shall establish appropriate procedures to adjudicate alleged violations of the Code of Student Conduct under the direction of the Dean of Students in a unified manner. All conduct programs must follow the procedures as outlined the Code of Student Conduct.

### 631.00 Residence Life Student Conduct Program

**A.** In addition to this Code, students who reside in the Residence Halls are subject to the conduct requirements set forth in the Residence Life Handbook. Residence Life staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the Residence Life Handbook and may impose sanctions related to a student's use of the Residence Halls.

**B.** All allegations of violations of the University's Code of Student Conduct reported to Residence Life Staff will be promptly referred to the Dean of Students. In such cases, the Dean of Students may delegate the investigation and adjudication to the Residence Life staff. When such matters are delegated, the investigation and adjudication shall be conducted in accordance with the procedures of this Code.

**C.** The Director of Residence Life will coordinate the delegated Residence Life Conduct Program and will work closely with the Dean of Students to assure consistency.

### 632.00 Department of Athletics

**A.** In addition to the requirements of this Code, student athletes are also subject to the Department of Intercollegiate Athletics conduct requirements found in team rules, NCAA policies, and the Student-Athlete Code of Conduct. The Director of Athletics, or designee, will coordinate the Student-Athlete Code of Conduct for alleged violation of departmental conduct requirements and may impose sanctions related to a student's participation in intercollegiate athletics.

**B.** The Director of Athletics will refer allegations of violations of the University's Code of Student Conduct to the Dean of Students for processing under the Code of Student Conduct. Additional University sanctions by the Dean of Students may be in addition to, or in lieu of, the process outlined in the Student-Athlete Code of Conduct.

### 633.00 Office of the Dean of Students

**A.** The Dean of Students is responsible for administering the University's Student Conduct Program, including the investigation and adjudication of cases involving alleged violations of the Code of Student Conduct except alleged violations of MSU's Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy in which case Section 640.00 below will apply.

**B.** The Dean of Students may appoint either a Hearing Officer or a Hearing Board to adjudicate violations of the Code of Student Conduct. The Hearing Officer or Hearing Board will conduct hearings using the procedures outlined in Sections 653.00 through 655.00.

**C.** For the purposes of deadlines in this Code, days shall mean "calendar" days unless stated otherwise, and the Dean of Students or designee may extend or waive any deadline herein upon a showing of good cause, the responsibility and burden of proof of "good cause" will be upon the



party requesting the extension. Good cause will include circumstances such as the impact of academic calendar breaks or holidays or other causes beyond the party's control (e.g., illness, death in the family).

#### 634.00 Composition of University Student Conduct Hearing Board

- A.** A University Student Conduct Hearing Board is appointed by the Dean of Students with five members comprised of:
  1. One (1) professional staff member selected by the Dean of Students after consultation with the Professional Council;
  2. Two (2) faculty members selected by the Chair of Faculty Senate after consultation with the Dean of Students; and
  3. Two (2) student members selected by the President of ASMSU after consultation with the Dean of Students.
- B.** One member of each Hearing Board shall be appointed as the Presiding Officer by the Dean of Students.
- C.** A non-voting recording secretary will be provided by the Dean of Students to take minutes during conduct hearings.
- D.** The Dean of Students will select replacements for any board members for good cause.

A quorum is considered to be three members.

### 640.00 Investigation and Adjudication of Allegations of Discrimination, Harassment, and Retaliation Policy Violations

**A.** Complaints against student(s) accused of violations of MSU's Discrimination, Harassment and Retaliation Policy will be referred to the Office of Institutional Equity who will follow the procedures for reports and complaints in accordance with MSU's [Discrimination, Harassment and Retaliation Procedures](#). The Student Conduct Adjudication Procedures, Appeals, and Interim Sanctions found in Sections 650.00 STUDENT CONDUCT ADJUDICATION PROCEDURES, 670.00 APPEALS, and 680.00 INTERIM RESTRICTIONS shall not apply in allegations of violations of the Discrimination Harassment and Retaliation Policy and shall be replaced by [Discrimination, Harassment and Retaliation Procedures](#).

**B.** When a student is found to have violated the [Discrimination, Harassment and Retaliation Policy](#), sanctions as allowed by the Code of Student Conduct in Section 660.00, including suspension or expulsion from the University will be applied as outlined in the [procedure](#).

### 650.00 Student Conduct Adjudication Procedures

#### 651.00 Filing of Charges

On its own initiative or upon receiving a complaint from any student, faculty or staff member, the University, through the Office of the Dean of Students, may, after an investigation, file appropriate charges against a student accused of violating the Code of Student Conduct.

**A.** Charges should be filed no later than four months after the alleged violation of the Code of Student Conduct, unless good cause is shown to justify the delay. When charges are referred to the Dean of Students for investigation and adjudication, any resulting hearing will normally be convened within seventy-five (75) calendar days from the date the charges were filed, unless good cause can be shown for delay.

**B.** If a student has withdrawn or withdraws from the University after charges have been filed, the University may:

1. Place a hold on the student's academic record, re-enrollment and notify the student that disciplinary action will be initiated before the student's re-enrollment in the University; or
2. Upon notice to the charged student, proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.

**C.** The Dean of Students may order that University administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc., be withheld to compel students accused of violation(s) of the Code of Student Conduct to meet with the Dean of Students as necessary to properly investigate and adjudicate the alleged violation(s).

#### 652.00 Preliminary Investigation and Administrative Adjudication Procedures

**A.** Whenever a complaint is filed or when it appears that a student may have violated the Code of Student Conduct, the Dean of Students will designate a Conduct Officer to conduct an investigation of the incident. The Conduct Officer conducting the investigation:

1. Determines the facts through interview, reports and other information collected.
2. Informs the student of the findings of the investigation.
3. Allows the student an opportunity to respond to the evidence and potential charge(s).
4. Makes a determination whether there is reasonable cause to believe that a violation of the Code has occurred.

**B.** The Conduct Officer conducting the investigation may withdraw any charge determined to be without reasonable cause. No reasonable cause means that there is insufficient credible evidence to support the charge or even if proved, the conduct does not violate the Code. The complainant, if any, who filed the charge initially may appeal this decision to the Vice President for Student Success under the appeal processes set forth in Section 670.00.

**C.** After the conclusion of the investigation the Conduct Officer may propose an Administrative Agreement for the accused student(s). If the student agrees with the facts and any sanction(s) proposed, the Administrative Agreement will be agreed to by both the student and the Dean of Students, or designee. By agreeing to the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).

**D.** After the conclusion of the preliminary investigation, an Administrative Agreement can be proposed between the Officer and the accused student(s) if the student agrees with the facts and any sanction(s) proposed. The Administrative Agreement will be signed by both the student and the Dean of Students. By signing the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).

**E.** If the student denies the charges or the sanctions, the case will be referred for a hearing under section 654.00 and 655.00.

If an Administrative Agreement is not signed within seven (7) calendar days following its submission to the student, the matter shall be referred for a hearing under sections 654.00 and 665.00, unless the charged student(s) can show good cause for the extension of the deadline as provided

in Section 633.00 D.

### 653.00 Notice

In the event of a student conduct hearing, the charged student shall be notified at least seven (7) calendar days prior to the date of the hearing (except a hearing on the alleged violation of Interim Restrictions imposed under Section 680.00 which may be called with one (1) calendar day notice to the student). Such notice shall be in writing and shall include the following:

- A.** The specific charge(s) citing the Student Conduct Code provisions allegedly violated.
- B.** A description of the alleged violation(s), including the time and place of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the charges are based.
- C.** The time and place of the pre-hearing conference.
- D.** The procedures to be followed in the hearing.
- E.** Notice of the student's right to be assisted throughout the hearing and appeal process by any advisor the student chooses at the student's own expense. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor (including attorneys).

### 654.00 Pre-Hearing Conference

The Presiding Officer of the Hearing Board or the Hearing Officer may convene a pre-hearing conference (in person, by electronic, written or other means) including the Complainant (if any) and the charged student to:

- A.** Narrow and define the issues to be presented at the hearing.
- B.** Identify and list all witnesses for the hearing. The Presiding Officer or Hearing Officer may establish restrictions on the numbers of witnesses and may disallow witnesses who have not been identified at the pre-hearing from providing testimony at the hearing.
- C.** Identify and list all documents to be presented at the hearing.
- D.** Provide for a pre-hearing exchange among the parties of any documents to be presented at the hearing. The Presiding Officer or Hearing Officer may prohibit the presentation of evidence that is not provided to the parties before the hearing.
- E.** Set a time and place for the hearing.

### 655.00 Hearing Procedures

Hearings are conducted by the Student Conduct Board or Hearing Officer according to the following guidelines:

- A.** The member(s) of the Hearing Board or Hearing Officer shall be impartial, i.e., without personal bias in favor of or against the charged student. Any participant in the hearing who believes the members of the Hearing Board or Hearing Officer have a personal bias must raise the issue before the hearing or as soon as the knowledge of personal bias is known to the participant, whichever is sooner; failure to do so will result in a waiver of such claim.
- B.** Hearings will be closed to the public unless all parties, witnesses and other participants waive their rights to privacy. Admission to the hearing of persons other than the parties involved will be at the discretion of the Presiding Officer or the Hearing Officer.
- C.** Minutes will be kept by the recording secretary and an audiotape may be used to record the hearing. The audiotape is the property of the University.
- D.** The University bears the burden of proving by a preponderance of the evidence that the charged student violated the Code of Student Conduct. A preponderance of evidence is described as evidence that is of greater weight or is more convincing than the evidence that is offered in opposition to it. A staff member from the Office of the Dean of Students will present the case to the Student Conduct Hearing Board or the Hearing Officer on behalf of the University. The presenting staff member shall not be a member of the Hearing Board.
- E.** The University may proceed with a hearing in any case in which the charged student fails to appear after receiving proper notice. Proper notice is defined as notice sent to the student's official University email address.
- F.** Students, even those who are accompanied by an advisor (including attorneys), are responsible for presenting the student's own case. Advisors are not permitted to speak or participate directly in any hearing. The advisor may not make a presentation, speak for or represent the party bringing the complaint or responding student during the hearing. Advisors may confer with their advisee, exchange notes, and clarify procedural questions with the Presiding Officer or Hearing Officer.
- G.** The complainant (if any) and the charged student(s) shall have the opportunity to review all statements and written evidence collected or prepared during the investigation prior to the hearing, to present witnesses and evidence at the hearing, and to question the evidence and witnesses during the hearing.
- H.** The Presiding Officer or Hearing Officer may preclude the presentation of duplicative, irrelevant or unnecessary evidence and may limit the number of witnesses.
- I.** The Presiding Officer or Hearing Officer shall control the hearing, and shall make all decisions regarding evidentiary and procedural questions.
- J.** Every reasonable effort will be made to elicit and consider the most reliable evidence. The statutory Rules of Evidence, rules of discovery and rules of procedure that govern state and federal court proceedings do not apply during student conduct hearings.
- K.** The charged student and complainant (if any) must submit all evidence either intends to submit to the Presiding Officer or Hearing Officer no later than five (5) calendar days before the hearing date for the Presiding Officer's or Hearing Officer's review to determine admissibility. Evidence not submitted five (5) calendar days before the hearing date will not be allowed at the hearing unless there is good cause for exception, as determined by the Presiding Officer or Hearing Officer. All parties will have opportunity to review such evidence prior to the hearing. The decision of the Presiding Officer or Hearing Officer on the admissibility of the evidence and procedural matters is final.
- L.** Any person, including the charged student, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer or Hearing Officer may be excluded from the proceedings.
- M.** The determination of the hearing shall be made on the basis of whether it has been proven by a preponderance of evidence that the charged student violated the Code. Any decision shall be based only upon evidence and testimony presented at the hearing.

**N.** The decision of the Student Conduct Hearing Board or Hearing Officer shall be in writing. If the charged student is found to have violated the code, the Hearing Officer or Hearing Board may recommend sanction(s) to the Dean of Students.

**O.** The record of the hearing shall consist of written minutes of the hearing, any documentary evidence presented, the audiotape, if made, and the written decision of the hearing board or Hearing Officer.

**P.** The Dean of Students shall, within seven (7) calendar days after receiving the decision and recommendation, determine what sanction(s), if any, will be imposed if a violation is found to have occurred. The Dean shall send a copy of the decision and the sanction(s) to be imposed to the charged student(s) and complainant, if any.

**Q.** The decision of the Student Conduct Hearing Board or Hearing Officer and the sanctions imposed by the Dean of Students may be appealed to the Vice President for Student Success as set forth in section 670.00.

## 660.00 Sanctions

**A.** Individual Sanctions - In determining a sanction, the Dean of Students may consider the student's present and past disciplinary record, including Residence Hall disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the violation, and other factors relevant to the case.

**B.** If the student is found to have violated the Code of Student Conduct, the Dean of Students may impose one or more of the following sanctions:

1. Expulsion - Permanent separation of the student from the University. The student may also be barred from University premises, events or activities. This sanction may be enforced with a trespass action as necessary.
2. Suspension - Separation of the student from the University for a specified period of time, but not less than the remainder of the semester. Eligibility for return to the University may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within twenty-four (24) hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students. During the suspension period, the student is banned barred from University property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary.
3. Conduct Probation/Suspension Warning - A status that is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Code of Student Conduct during the period.
4. Disciplinary Reprimand - A formal reprimand which may be imposed either in verbal or written form for violating the Code of Student Conduct and a warning that further misconduct may result in more severe disciplinary action.
5. Restitution - Compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. Residence Hall Sanctions - Disciplinary action may consist also include residence hall sanctions such as a Warning, Residence Hall Probation, Residence Hall Suspension, Restrictions of Residence Hall Privileges, Constructive Work Projects, Removal from Floor, Hall, or Residence Hall System, or a combination of sanctions.
7. Community or University Service Requirements - Completion of a specific, supervised University or community service.
8. Loss of Privileges - The student will be denied specified privileges for a designated period of time.
9. Other Sanctions - Other sanctions may be imposed instead of, or in addition to, the sanctions specified above, such as withholding registration, limitation of access to University housing facilities or other property, imposition of mandatory educational or counseling requirements or other sanction appropriate under the circumstances.

**C.** Group Sanctions - The following sanctions may be imposed upon sororities, fraternities, groups or organizations registered with the University:

1. Those sanctions listed in subparagraphs 3 - 5 and 7-9 above.
2. Deactivation - Loss of all privileges, including University recognition or registration, for a specified period of time.

## 670.00 Appeals

**A.** The student who is found responsible for violating the Code of Student Conduct may appeal the decision of the Student Conduct Hearing Board or Hearing Officer and/or the sanction imposed by the Dean of Students following a student conduct hearing by emailing a letter of appeal to the Vice President for Student Success within seven (7) calendar days of the official's decision. Sanctions shall be kept in abeyance pending the determination on appeal, except that any interim sanctions shall continue. The letter of appeal must specifically allege and factually support one or more of the following grounds:

1. The student's rights as set forth in this Code of Student Conduct were violated (i.e., there was an error in the procedure or the interpretation of the Code of Student Conduct which substantially affected the student's ability to receive a fair hearing);
2. New evidence, unavailable during the original hearing or investigation, has been discovered that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in their letter of appeal.

**B.** If a sufficient claim is presented under one or more of the specified grounds, the Vice President for Student Success shall accept the appeal, notify the student and complainant, if any, and request a copy of the record of the hearing. If sufficient claim is not presented, the appeal shall be dismissed with written notice to the appealing student and complainant, if any.

**C.** Within twenty (20) calendar days from receipt of the record, the Vice President for Student Success shall review the entire record and render a written decision. The Vice President for Student Success may remand the case to the original Hearing Board or Hearing Officer for further findings of fact or clarification.

**D.** The decision of the Vice President for Student Success shall be based on the record only and is the final decision of the University. A copy of the decision shall be sent to the charged student, the complainant (if any) and included in the record.

## 680.00 Interim Restrictions

**A.** The Dean of Students or designee may impose interim Residence Hall restrictions or University suspension or other restriction(s) upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student's conduct poses an imminent and

substantial threat of injury to, or interference with, persons or property.

**B.** Interim restrictions may include, but are not limited to, the following:

1. Residence Hall and/or University suspension;
2. Assignment to alternate housing for students residing in University housing;
3. Limitation of access to University housing facilities, other campus facilities or University property in general;
4. Restriction of communication with named individuals or groups within the University community;
5. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment.

**C.** The official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within three (3) calendar days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting or the hearing will be held as soon as the student is able to attend.

**D.** At the meeting the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his or her position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the official believes the imposition of the Interim Restrictions was made in error or is too restrictive, the official may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in a future student conduct proceeding.

**E.** In cases where interim restrictions have been imposed, the disciplinary hearing shall be held as soon as possible, but not later than thirty (30) calendar days from the date of the imposition of interim restrictions.

**F.** The time limitations set forth in this section may be expanded upon the consent of the student.

## 690.00 Records and Confidentiality

**A.** The Office of the Dean of Students shall maintain student conduct records. Relevant student conduct records and related information shall be made available to hearing boards to assist in recommendation of an appropriate sanction, and to other University personnel who require such information to fulfill their official duties.

**B.** Students may arrange to review their own student conduct records and related information by contacting the Office of the Dean of Students.

**C.** Except as provided elsewhere in this Code and/or as required by law, the University shall not communicate a student's conduct record to any person or agency without the prior written consent of the student.

**D.** Student conduct records shall be maintained for seven (7) years from the last recorded entry, then destroyed.

# Medical Amnesty Policy

<b>Subject:</b>	Student Success
<b>Policy:</b>	Medical Amnesty Policy
<b>Revised:</b>	
<b>Effective date:</b>	April 2018
<b>Review date:</b>	April 2024
<b>Responsible Party:</b>	Dean of Students

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## Purpose:

Montana State University recognizes that certain barriers may exist that would prevent students from seeking medical assistance for themselves or others when someone's health and/or safety is at risk due to alcohol and/or drug use, or where other health issues arise where alcohol or drugs are being used. Therefore, in order to ensure that students receive prompt and appropriate attention for urgent medical situations, and to ensure there are no impediments to seeking such assistance, Montana State University implemented this Medical Amnesty policy.

## Policy:

- A. To promote the safety, health, and well-being of students at Montana State University, the University expects its students and organizations to immediately contact emergency medical services or law enforcement when they have reason to believe a fellow student is too impaired/intoxicated from alcohol/drug use to seek competent professional medical help on their own, or otherwise in need of urgent medical attention. Students should act immediately and not wait for any conditions to worsen when the health and safety of someone is at risk.
- B. Montana State University students and organizations who seek out and respectfully and fully comply with medical and law enforcement personnel when having violated the alcohol and/or drug policy outlined in the Student Conduct Code will not be subject to disciplinary sanctions nor have conduct files created for the related alcohol/drug violations. However, if other violations occur concurrently with the alleged violations students will be held accountable for those violations.
- C. Amnesty for the reporting of sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking, can be found in the [Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation policy](#).
- D. Students assisting and/or those in need of assistance must affirmatively contact university staff, emergency medical services or law enforcement and request their presence in order to receive amnesty. Bringing a medical issue to the attention of law enforcement or emergency medical services after they are on scene for other purposes will not result in amnesty protection. If students and organizations involved do not reach out to emergency medical services or law enforcement, they may be subject to disciplinary measures.
- E. The Dean of Students or a designee will record the names of students or organizations involved in the incident for the purpose of accurate recording and future evaluation of each student's conduct. These records shall be maintained separately from any disciplinary records but may be considered as relevant information in future decision making. In order for this provision to apply, students involved in the incident may be required to participate in an alcohol/drug education program or seek medical treatment for alcohol and/or drug abuse, but these requirements will not be recorded as sanctions.
- F. Repeated use of this Medical Amnesty Policy for the purpose of avoiding disciplinary action by the University will be considered interference with the conduct process and may lead to additional disciplinary measures at the discretion of the Dean of Students or designee.

## References:

1. Montana Code Annotated, Title 45. Crimes, Chapter 5. Offenses Against the Person 45-5-624

(10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- (i) the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- (ii) the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a healthcare facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- (iii) the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

(b) For the purposes of this subsection (11), the following definitions apply:

- (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.
- (ii) "Medical treatment" means medical treatment provided by a healthcare facility or an emergency medical service.

2. Title IX of the Higher Education Amendments of 1972 and guidance from the Department of Education's Office of Civil Rights for implementing Title IX.

3. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

4. Montana State University Student Code of Conduct.

# Workplace Expectations and Conduct: Drug, Alcohol, and Tobacco Free Workplace

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<b>Subject:</b>	<b>University Human Resources</b>
<b>Policy:</b>	<b>Drug, Alcohol, and Tobacco Free Workplace</b>
<b>Effective Date:</b>	<b>January 1, 2019</b>
<b>Revised:</b>	
<b>Review Date:</b>	<b>Three (3) years from Effective Date above</b>
<b>Responsible Party:</b>	<b>University Human Resources</b>
<b>Applicability:</b>	<b>This policy applies to all employees</b>

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## 1. INTRODUCTION AND PURPOSE

This policy implements the [Drug-Free Workplace Act](#) and portions of the [Drug-Free Schools and Communities Act](#) as well as [Board of Regents Policy 503.1](#). Alcohol abuse and the unauthorized use of controlled substances in the workplace can be highly detrimental to the safety and productivity of employees. Montana State University has a longstanding commitment to maintaining a work environment that is drug free and has adopted this policy to provide a work environment that promotes the safety and productivity of its employees, students, and visitors.

## 2. PROHIBITIONS

The unlawful and unauthorized use, possession, manufacture, distribution, purchase, and sale of controlled substances and alcohol are prohibited while on university property, during the performance of one's duties, while attending university related activities, and while operating a vehicle or machine owned or leased by the university.

Employees will not be allowed to perform their duties while impaired by drugs or alcohol. A supervisor may require an employee to leave campus if the supervisor reasonably believes the employee is impaired by drugs or alcohol. The supervisor will work with University Human Resources to arrange for appropriate transportation.

The university may require employees to refrain from the use of alcohol on breaks and lunch during work days and while attending university events which may have been approved to serve alcohol that occur during the employee's work hours.

Compliance with this policy is a condition of continued employment and violations of this policy will result in disciplinary action, up to and including, termination of employment. An employee may be required to successfully complete a drug/alcohol abuse rehabilitation program before returning to work if termination of employment does not occur.

### **3. HEALTH RISKS**

The [Drug-Free Schools and Communities Act](#) requires the university to include a description of the health risks associated with the use of illicit drugs and alcohol to ensure employees are aware of the serious health consequences of the use, misuse, and abuse of alcohol and other drugs. An overview of the risks related to some commonly abused drugs and links for more information are provided below.

a. Alcohol: Alcohol is a depressant that slows down a person's central nervous system, including breathing and heart rates. Short-term risks of alcohol use include: impaired judgment, poor motor coordination, emotional instability, and increased aggression. Long-term risks include: irreversible damage to brain, liver, pancreas, and kidneys, memory problems, nutritional deficiencies, and high risk of fetal damage if used during pregnancy.

[\*Centers for Disease Control and Prevention alcohol fact sheets\*](#)

b. Marijuana: Marijuana is an illegal drug that can cause changes in the way people think and feel. Marijuana use can make it harder for students and employees to effectively function in school and at work-related activities. It slows reflexes and impairs visual perceptions.

[\*National Institute on Drug Abuse marijuana information\*](#)

c. Cocaine: Cocaine is an illegal drug that is a strong central nervous system stimulant. It is a powerfully addictive drug.

[\*National Institute on Drug Abuse cocaine information\*](#)

[\*National Institute on Drug Abuse health effects of commonly abused drugs\*](#)

d. Club Drugs: Club drugs, such as MDMA (Ecstasy), Rohypnol, GHB, and Ketamine are sometimes used in nightclubs, bars, or rave drug scenes. They have varying effects and can cause changes to critical parts of the brain.

[\*National Institute on Drug Abuse club drugs information\*](#)

### **4. LEGAL SANCTIONS**

The [Drug-Free Schools and Communities Act](#) also requires the university to describe the legal sanctions for unlawful possession or distribution of illicit drugs and alcohol. In addition to disciplinary sanctions by the university, employees who violate this policy may also be subject



to federal, state, and local laws that may result in imprisonment, fines, and loss of federal benefits for conviction of alcohol and drug-related offenses.

Local, state, and federal statutory penalties include the following:

- a. Public drinking (Bozeman Municipal Code 4.04.030) - fine of \$100.00 to \$500.00.
- b. Criminal sale or possession of dangerous drugs (Title 45, Chapter 9, MCA) - fines from \$100 to \$50,000 and imprisonment for periods from six (6) months to life, depending on the type of drugs involved and the circumstances surrounding the sale or possession.
- c. Severe federal penalties exist for the use, possession, and/or distribution of illicit drugs, which include marijuana, speed, crack, and cocaine, ranging from up to one (1)-year imprisonment and a minimum fine of \$1,000 for simple possession to up to life imprisonment and a minimum fine of \$2,000,000 for an individual engaging in a continuing criminal enterprise. Federal controlled substance convictions also can lead to forfeiture of both real and personal property, the denial of federal benefits such as grants and student loans, and the denial of federally-provided or supported professional and commercial licensures. The seriousness of the offense and the penalty imposed generally depends on the type and amount of the drugs involved. See [Federal Trafficking Penalties](#).

## **5. TOBACCO FREE CAMPUS**

The university has adopted a [Tobacco Free Campus Policy](#) which prohibits the use of tobacco and e-cigarettes on campus.

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION  
Policy and Procedures Manual

SUBJECT: PERSONNEL

Policy 740 – Drug and Alcohol Testing; Montana University System

**Effective: September 19, 1996; Issued October 4, 1996**

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Policy:

1. This policy is adopted to comply with federally mandated drug and alcohol testing for certain employees. The overall goal for this policy is to ensure a drug free work environment and to ensure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner which in turn will reduce accidents and injuries in the workplace.

2. To the extent possible, drug and alcohol testing will be conducted in a manner that respects employee privacy, dignity, and confidentiality.

3. Employees covered by this policy are those whose job duties require a commercial drivers license. Covered employees will be subject to the following types of urine drug and breath alcohol testing: pre-employment (for controlled substances only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing, as defined in 49 CFR Part 382.

4. In order to protect employees from inaccurate test results, reliable testing procedures will be used. Any employee who desires to review the results of any positive test will be allowed to do so. An employee who questions the results of a confirmed positive drug test may request an additional test be conducted using a split sample provided at the time of the original sample. The request must be made within 72 hours of initial test results. All costs for a retest on the split sample will be paid by the employee unless the second test invalidates the original test.

5. An employee who refuses to submit to a drug and/or alcohol test will be considered to have failed the test.

6. Drug testing: No employee covered by this policy shall report for duty or remain on duty when the employee uses any controlled substances as defined in 49 CFR Part 382, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect his/her ability to safely operate a commercial motor vehicle.

a) The first occurrence of a confirmed positive drug test will result in removal of the employee from performing safety sensitive functions, referral to a Substance Abuse Professional (SAP) for evaluation, completion of a return-to-duty test with a verified negative result, and a written warning letter.

b) Any subsequent confirmed positive drug test may result in more serious disciplinary actions, up to and including discharge. However, following a preventable accident in which an employee's drug test is confirmed positive (even if it is the first occurrence) more serious disciplinary action may result, up to and including discharge.

7. Alcohol testing: No employee covered by this policy shall perform safety-sensitive functions with an alcohol concentration of 0.04 or greater, possess alcohol while on duty, use alcohol while performing safety sensitive functions, or use alcohol four hours before performing safety sensitive functions.

a) Covered employees whose alcohol test indicates a blood alcohol concentration of 0.02 up to 0.04 will be immediately removed from performing safety-sensitive functions for a period of at least 24

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION  
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hours.

b) The first occurrence of an alcohol test resulting in a blood alcohol concentration of 0.04 or higher will result in immediate removal of the employee from performing safety-sensitive functions for a period of at least 24 hours, referral to an SAP for evaluation, completion of a return-to-duty alcohol test indicating an alcohol concentration of less than 0.02, and a written warning letter.

c) Any subsequent alcohol test with a blood alcohol concentration of 0.04 or higher may result in more serious disciplinary actions, up to and including discharge. However, following a preventable accident in which an employee's blood alcohol concentration is 0.04 or greater (even if it is the first occurrence) more serious disciplinary action may result, up to and including discharge.

Procedures:

Each campus that is subject to federally mandated drug and alcohol testing shall develop procedures to implement a drug and alcohol testing program for covered employees. Each campus that uses, but does not employ, a driver who performs duties requiring a commercial drivers license more than once a year must ensure that the driver participates in a drug and alcohol testing program which is consistent with 49 CFR Part 382.

Reference:

49 CFR Part 384, 49 CFR Part 40, and 39-2-304, MCA.

History:

Item 92-002-R0796, Drug and Alcohol Testing, Montana University System, September 19, 1996.