

The University of Montana Western

Drug-Free Schools and Campus Regulations

Biennial Review

May 2022

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### **Introduction to and Compliance with the DFSCA**

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education (IHE) such as the University of Montana Western (hereinafter Montana Western), must indicate that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of alcohol and other drugs (AOD) by students and employees. If audited, failure to comply with the Drug-Free Schools and Communities Regulations may cause an institution to forfeit eligibility for federal funding. To certify its compliance with the regulations, an IHE must adopt and implement a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees both on school premises and as part of any of its activities. Creating a program that complies with the regulations requires an IHE to do the following:

- Prepare a written policy on alcohol and other drugs.
- Develop a sound method for distribution of the policy to every student and IHE staff member each year.
- Prepare a biennial review report on the effectiveness of its alcohol and other drug (AOD) programs and the consistency of policy enforcement.
- Maintain its biennial review report on file so that it can be submitted, if requested by the U.S. Department of Education, other entity or individual.

#### **The biennial review must also include a determination as to:**

- The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of activities that are reported to campus officials.
- The policies in place and the types of sanctions the IHEs impose on students or employees as a result of such violations or fatalities.
- The consistent enforcement of disciplinary sanctions for violating standards of conduct.
- The effectiveness of and to implementing any needed changes to alcohol and other drug programs and/or policy.

Montana Western acknowledges its legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act and authorized an administrative review to be

conducted to determine if Montana Western fulfills the DFSCA requirements. The Dean of Students along with the Director of Student Counseling are responsible for conducting the review and reporting the findings. The purpose of this report is to comply as best as possible, using data collected over the past two years, and to give evidence of the procedures in place for subsequent biennial reports.

A final copy of the 2020 report, signed by the Dean of Students is kept on file in the offices of the Dean of Students and the Director of Student Counseling. This is done in the event that such reports are requested or in case Montana Western is audited by the Higher Education Center for Alcohol and Other Drug Prevention, a designee of the U.S. Department of Education. IHEs are not required to submit the certification or report to the U.S. Department of Education. For a copy of the 2020 Biennial Review, all email requests should be sent to the Dean of Students at: [nicole.hazelbaker@umwestern.edu](mailto:nicole.hazelbaker@umwestern.edu) Full text of the 2022 Biennial Review may also be found on line at: <https://www.umwestern.edu/info/student-affairs/>

### **Montana Western AOD Programs, Policies, and Annual Notifications**

Montana Western is committed to being in compliance with the requirements of the DFSCA. Montana Western has designed, adopted, and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs by students and employees on its premises and as a part of any university activities. Montana Western has written policies on alcohol and other drugs, which are made available to students, staff, and faculty through a variety of electronic, online, and hard-copy resources. Among these resources is the Annual Notification which is mandated by DFSCA and made available to each student and employee each academic year via email. Each Annual Notification includes:

- Standards or conduct that prohibit unlawful possession, use or distribution of illicit drugs and alcohol on its property or as a part of its activities.
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol.
- A description of counseling or treatment programs as well as other campus and local resources available.
- A clear statement and description of the disciplinary or conduct sanctions the institution may impose on students and employees.



Montana Western is committed to ensuring, to the best of its ability, that its students, staff, and faculty are aware of the dangers of AOD misuse, have appropriate information and resources to alleviate such misuse, and are subjected to appropriate enforcement regarding the inappropriate and/or illegal use or misuse of such substances at Montana Western and at other venues that involve members of the Montana Western community. As is the case for many IHEs across the United States, alcohol and other drug education is focused on managing the risks associated with the misuse of alcohol and illicit drugs. Montana Western also supports those who choose to abstain from the use of alcohol or other drugs, and provides a variety of on-campus and off-campus activities that are alcohol and drug-free. Montana Western believes that efforts to prevent or ameliorate AOD misuse are most likely to succeed when they involve collaborative efforts among students, staff, and faculty as well as all relevant and interested stakeholders in the surrounding community of Dillon, MT.

### **Montana Western Policies Regarding AOD Use and Misuse**

#### **Tobacco Free Campus – Policy 100.1**

The use of tobacco (including cigarettes, cigars, e-cigarettes, pipes, bidi, hookah, snus, orbs, vape, vapor, vaporizer pens and all forms of smokeless tobacco) by students, faculty, staff, guests, visitors, and contractors is prohibited on all properties owned by The University of Montana Western. Full text of the Tobacco Free Campus policy, purpose, and procedures may be found at: <https://www.umwestern.edu/section/tobacco-prevention/>

#### **Campus Alcohol – Policy 100.5**

Consumption of alcoholic beverages on property belonging to the Montana University System is prohibited except as expressly permitted (Board of Regents Policy 503.1). Specifically, the use or possession of alcoholic beverages is prohibited:

- In University of Montana Western buildings, grounds, and athletic fields.
- At on-campus or off-campus university-sponsored events, and.
- At on-campus or off-campus university-recognized student club events, except in limited approved circumstances.

Except for the limited exceptions listed in policy, no event involving the service of alcoholic beverages may take place without the prior written approval of the Chancellor or his/her

designee. Alcoholic beverages may be limited to beer and wine. Full text of the Campus Alcohol policy, purpose, and procedures may be found at: <https://umwestern.edu/section/100-5-campus-alcohol/>

### **Drug Free Campus – Policy 100.6**

The University of Montana Western is committed to providing a drug-free campus. In accordance with The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA): The DFSCA requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education such as The University of Montana Western, must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. If audited, failure to comply with the Drug-Free Schools and Communities Regulations may cause an institution to forfeit eligibility for federal funding. Full text of the Drug Free Campus policy, purpose, and procedures may be found at: <https://umwestern.edu/section/100-6-drug-free-campus/>

### **Drug Free Workplace – Policy 705.3**

In compliance with the Drug-Free Workplace Act of 1988, The University of Montana Western is committed to providing a drug-free workplace. The unlawful manufacture, distribution, sale, possession, or use of a controlled substance in the workplace or while conducting University business is prohibited. Full text of the Drug Free Workplace policy, purpose, and procedures may be found at: <https://umwestern.edu/section/705-3-drug-free-workplace/>

### **Drug and Alcohol Testing – Policy 705.4**

The University of Montana Western complies with the Board of Regents Policy 740, Drug and Alcohol Testing. Full text of the Drug Free Workplace policy, purpose, and procedures may be found at: <https://umwestern.edu/section/705-4-drug-and-alcohol-testing/>

## **Student Code of Conduct Regarding AOD Use and Misuse**

Students at the University of Montana Western are expected to practice responsible behavior at all times. General misconduct is subject to University Sanction(s) by the Dean of Student or designee. General misconduct is defined as conduct including, but not limited to, the following:

### **Alcohol and Drug Offenses:**

- **Tobacco:** Smoking, Vaping, or tobacco use (including cigarettes, cigars, e-cigarettes, pipes, bidi, hookah, snus, orbs, vape, vapor, vaporizer pens and all forms of smokeless tobacco) on campus is a violation of the Tobacco Free Campus Policy and of this Student Code of Conduct.
- **Alcohol:** Use, possession, or distribution of intoxicants, including alcohol, in the buildings or on the grounds of the University of Montana Western except as expressly permitted by law or University policy is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. Students on campus found to be in a clearly intoxicated state as documented by University staff members are in violation of the policy.
- **Drugs:** 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. Although Montana state law permits the use of marijuana, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. 8 Full text of the Student Code of Conduct (jurisdiction, student rights, rules and regulations) may be found at: <https://www.umwestern.edu/student-code-of-conduct/>

## **Residence Life Policies Regarding AOD Use and Misuse**

### **Alcohol**

The University of Montana Western follows all state and federal statutes. In accordance with state law, students under the age of 21 cannot consume or possess alcohol. When both residents of the room are under the age of 21, neither they nor their guests/visitors may possess or



consume alcohol. This includes shot glasses, alcohol decorations (trophy bottles), empty alcohol containers, etc.

For rooms in which one roommate is 21 or older while the other roommate is not of legal drinking age, the resident who is of legal drinking age may not consume alcohol in his/her room. Rooms where both or all roommates are of legal drinking age may consume alcohol inside their room and must keep their behavior from being disruptive. No guests under the age of 21 may be present in the room while the of-age roommate/guests are consuming alcoholic beverages. Alcohol is not allowed in any public areas of the building or in rooms occupied by underage residents. Most alcohol situations are brought to our attention because of disruptive behavior. This behavior is addressed through student conduct and may require attendance to behavioral Health Options. The cost of the Options program is the responsibility of the student. Alcohol violations carry with them the prospect of a Minor In Possession (MIP) and other criminal charges, and more severe consequences are dependent on the behavior displayed at the time of documentation.

### **Drugs**

Drugs are prohibited in University housing at all times. The Residence Life staff is instructed to call the Dillon Police Department and let law enforcement take over a situation if drugs are suspected to be present. The University has strict policies regarding the illegal use and abuse of substances.

### **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 University of Montana Western housing or any other University of Montana Western property; nor is it allowed at any University-sponsored event or activity off campus.

### **Tobacco**

The use of tobacco (including cigarettes, cigars, e-cigarettes, pipes, bidi, hookah, snus, orbs, vape, vapor, vaporizer pens, and all forms of smokeless tobacco) by students, faculty, staff, guests, visitors, and contractors is prohibited on all properties owned or leased by The University of Montana Western.



Full text of Housing Policies may be found at: <https://www.umwestern.edu/section/housing-policies/>

### **Athletics Policies and Student-Athlete Policies Regarding AOD Use and Misuse**

It is a privilege and not a right to be a student-athlete and all student athletes are expected to conduct themselves in a manner that exhibits honor and respect to their team, athletic department, University and surrounding community for the duration of their tenure as a student-athlete. As a member of the student body at The University of Montana Western, student athletes must act in accordance with the UMW Student Code of Conduct, published by the institution and can be found at: <https://w.umwestern.edu/student-code-of-conduct/>. The University of Montana Western student-athletes are accountable to the following authorities (hereafter referenced as “governing authorities”):

- Local ordinances, state & federal laws, both civil and criminal (“laws”)
- National Association of Intercollegiate Athletics (NAIA)
- National Intercollegiate Rodeo Association (NIRA) 10
- Frontier Conference
- The University of Montana Western (UMW)
- Department of Intercollegiate Athletics
- Respective team rules

### **Alcohol**

Prohibited acts include (1) possessing or consuming alcohol if under the age of 21. ALL use of alcohol is prohibited on the UMW campus or during any UMW sponsored event, regardless of age. (2) operating a motor vehicle while under the influence of alcohol, (3) misrepresenting one’s age for the purpose of purchasing, possessing, or consuming alcohol, (4) purchasing, furnishing, or serving alcohol to or for an underage person, (5) being dangerously intoxicated to the point where State law mandates being taken into custody, (6) other prohibited acts as outlined in the UMW Student Code of Conduct, (7) violations of additional Team Rules regarding alcohol use, and/or (8) consumption of alcohol during team travel or at team functions.

## **Other Drugs**

Prohibited acts include (1) possessing or using illegal substances, as defined by law, (2) possessing or using controlled substances as defined by law (provided that controlled substances may be taken pursuant to a properly issued prescription in the amount prescribed), (3) distributing, selling, or possessing with the intent to distribute illegal or controlled substances, as defined by law, (4) using tobacco products during practice, competition, or other team functions, (5) other prohibited acts as described in the UMW Student Code of Conduct. Full text of the Montana Western Bulldogs Athletics Policy and Procedures Manual, Including the Student-Athlete Handbook can be found here:

[https://umwbulldogs.com/documents/2021/7/30/UMW\\_Student\\_Athlete\\_Handbook\\_21\\_22.pdf?id=627](https://umwbulldogs.com/documents/2021/7/30/UMW_Student_Athlete_Handbook_21_22.pdf?id=627)

## **Montana Western Programs Regarding AOD Use and Misuse**

### **Student Counseling Services**

Montana Western takes a progressive approach as more and more Montana Western students recognize the value of having their own counselor with which to troubleshoot problems. Typical problems include anxiety, depression, relationships, eating disorders, homesickness, sexual/gender identity concerns, sexual trauma, sleep difficulties, career choices, and drug and alcohol concerns. Student Counseling Services provides licensed clinical mental health and licensed addiction counseling services for students.

Additionally, Student Counseling Services Administers the Self-Over-Substance (SOS) programming. SOS is an alcohol and drug sanctioning program that is available to Montana Western students to meet sanctioning requirements for on-campus alcohol and drug violations as well as off-campus Minor-In-Possession (MIP) violations with Dillon City Court and Beaverhead County Justice Court. Occasionally arrangements are made with other municipal courts beyond Dillon and Beaverhead County.

Regarding staff and faculty issues, Student Counseling does not provide counseling services to those other than students. However, either of the counselors are willing and able to work individually with staff and faculty to help them connect with community mental health and drug and alcohol counseling resources.

For more information regarding Student Counseling Services contact the Director of Student Counseling, Morgan Bialas, at the Dean of Students Center: [morgan.bialas@umwestern.edu](mailto:morgan.bialas@umwestern.edu) or (406) 683-7388.

### **Student Wellness**

The University of Montana Western Student Wellness Program contributes to the quality of students' lives through the utilization of recreation facilities, promotion of services and health programming, and education about healthy lifestyle choices to support physical, intellectual, social, environmental and spiritual health.

AlcoholEdu which is an Everfi program that is required to be completed by all incoming freshmen and transfer students who have not previously completed it, is administered through the Dean of Students Office. AlcoholEdu is interactive online program incorporates the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to reflect on and consider changing their drinking habits.

Additionally, Student Wellness provides health-related student-led peer education programming by a program called Peers Advocating Towards Health (P.A.T.H.). This program educates students on alcohol and drug risk management, tobacco prevention, healthy relationships, sexual health, nutrition and physical wellness, mental health, sexual assault prevention, and bystander intervention through tabling events, programs, and presentations throughout the school year. Peer education also regularly provides student-led alcohol and drug-free programming for students across campus throughout the school year.

For more information regarding Student Wellness visit the Wellness Coordinator at the Dean of Students Center or call: (406) 683-7388.



## **Residence Life**

Montana Western Residence Life believes in creating an environment conducive to student achievement of their academic goals and strives to make students' stay on campus stress-free, safe, and fun. While living on campus, students have the opportunity to get involved in on-campus activities, meet a lot of new people, and contribute to the community at Montana Western.

Much of the alcohol and drug programming made available by Residence Life is provided by Resident Assistants (RAs) and Residence Hall Directors. RAs and Hall Directors provide student trainings regarding alcohol and drug risk management, often times in collaboration with Student Counseling Services and Student Wellness. RAs and Hall Directors also provide alcohol and drug-free programming and campus activities for students living in the residence halls.

For more information regarding Residence Life visit either Mike Piazzola or Bonita Bontrager at Residence Life in the basement level of the Student Union Building, or contact either at: [mike.piazzola@umwestern.edu](mailto:mike.piazzola@umwestern.edu) or [bonita.bontrager@umwestern.edu](mailto:bonita.bontrager@umwestern.edu), or call (406) 683-7565.

## **Bulldog Athletics**

Montana Western Bulldog Athletics provide drug and alcohol and mental health orientation and trainings for student-athletes often times in collaboration between the Director of Athletics, Athletic Trainers, Coaches, Athletics Staff, and Student Counseling Services. Bulldog Athletics also has policies and procedures regarding drug and alcohol use by student athletes (see pgs. 9-11 of this document).

For more information regarding Bulldog Athletics visit Michael Feuling at the Bulldog Athletic and Recreation Center or contact him at: [michael.feuling@umwestern.edu](mailto:michael.feuling@umwestern.edu) or (406) 683-7391.

## **Associated Students of the University of Montana Western (ASUMW – Student Senate)**

ASUMW provides alcohol and drug-free student led campus activities, intramural sports, clubs, and student advocacy opportunities for Montana Western Students.

For more information regarding ASUMW visit Keeley Fitzgerald at the Student Union Building or contact her at: [keeley.fitzgerald@umwestern.edu](mailto:keeley.fitzgerald@umwestern.edu) or (406) 683-7211.

## **Budget and Human Resources**

Budget and Human Resources provides services and solutions, in these areas, to support the success of our learning community and the mission of Montana Western. Human Resources maintains operating policies and procedures for Montana Western students, staff, and faculty. These include policies and procedures specific to drug and alcohol use (see pgs. 6-7 of this document).

Additionally, through the Montana University System CHOICES Benefits Programs, staff and faculty are provided insurance coverage for mental health and drug and alcohol counseling services. In collaboration with Student Counseling Services, Montana Western Staff and faculty may reach out for referrals to community mental health and drug and alcohol counseling resources.

For more information regarding human resources and/or staff and faculty health insurance benefits specific to mental health and drug and alcohol counseling visit Patricia Lake in the Short Building or contact her at: [patricia.lake@umwestern.edu](mailto:patricia.lake@umwestern.edu) or (406) 683-7010.

## **Campus Alcohol and Drug Violations**

For the sake of comparison, alcohol and drug related violations are included from the Montana Western Clery Reports from 2017 - 2019.

<b>Clery Category</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
On Campus Drug Law Violations	2	0	0	0
On Campus Liquor Law Violations	59	32	35	27
On Campus Arrests: Drug Law Violations	3	0	1	3
On Campus Arrests: Liquor Law Violations	11	7	0	0

## **AOD Program and Policy Recommendations**

### **Student Counseling Services**

- Enhance campus outreach efforts to inform students of free and confidential drug and alcohol counseling services.
- Encourage use of eCounseling to distance learning students as well as on-campus learners during holidays, breaks, etc.

- More collaboration with Student Wellness, Residence Life, Athletics, and ASUMW on prevention programming and alcohol and drug free student activities.

### **Student Wellness**

- Expand peer education efforts to include programming regarding alcohol risk management and mental health.
- Continue to offer peer-led alcohol and drug free campus activities for students.

### **Residence Life**

- Continue to reinforce with Residence Life Staff the importance of enforcement of Residence Hall alcohol and drug policy.
- Encourage Residence Life Staff to provide alcohol and drug free events along with programming that addresses alcohol and drug risk management.

### **Bulldog Athletics**

- Review and update as needed all policies and procedures including those regarding student-athlete drug and alcohol use.
- Continue to work collaboratively with Bulldog Athletics staff and campus resources regarding drug and alcohol education programming for student-athletes.

### **Associated Students of the University of Montana Western**

- Continue to provide alcohol and drug free activities and programming for Montana Western students.

### **Human Resources**

- Regularly review and update policies and procedures as needed regarding student, staff, and faculty alcohol and drug use on campus.
- Continue to collaborate with Student Counseling Services as needed to assist staff and faculty members with accessing community mental health and drug and alcohol counseling services.

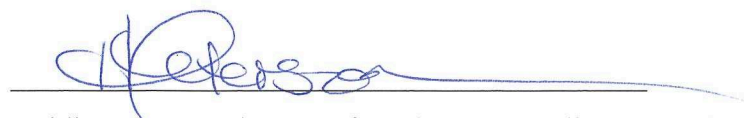


**Dean of Students Review and Approval**

The University of Montana Western's 2020-2022 Drug-Free Schools and Communities Act Biennial Review has been reviewed and approved for release by:

A handwritten signature in black ink, reading "Nicole Hazelbaker", written over a horizontal line.

Nicole Hazelbaker, Dean of Students

A handwritten signature in blue ink, reading "Heidi Peterson", written over a horizontal line.

Heidi Peterson, Director of Student Counseling & Wellness

**References:**

- Eastern Illinois University: Illinois Higher Education Center Suggested Biennial Review Format and Content – July 2014
- University of Colorado Boulder: Drug Free Schools and Campus Regulations Biennial Review Report – November 2012
- Johnson Community College: Biennial Review of Compliance with the Drug Free Schools and Communities Act – 2012-2014
- Great Falls College Montana State University: Drug Free Schools and Campuses Regulations Biennial Review Report – 2014-2016