

# White Earth Tribal and Community College



## Drug and Alcohol Abuse Prevention Program

Education Department General Administrative  
Regulations(EDGAR) Part 86

2017-2018

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## Introduction

The Drug Free Schools and Communities Act Amendments of 1989 requires an institution of higher education to certify to the U.S. Department of Education, that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees in order to be eligible for federal financial assistance of any kind.

The rules and regulations of White Earth Tribal and Community College (WETCC) prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees in buildings, facilities, grounds, or other property owned and/or controlled by White Earth Tribal and Community College or as part of College activities. In addition, any person in violation of state or federal drug and alcohol laws will be subject to the appropriate penalties.

## General Philosophy Statement

WETCC recognizes that the misuse of alcohol and other drugs is a serious problem in our society and our community. WETCC is committed to protecting the safety, health and well-being of all employees, students, clients, guests and other individuals in our workplace. Alcohol abuse and illegal drug use are understood as significant threats to the safety and security of WETCC and the communities it serves. We take seriously our responsibility to maintain a drug free workplace. We further recognize that drug dependency may be an illness. Consistent with this understanding, however, we have an obligation to ensure that our employees and our students perform efficiently, safely and in an optimal academic environment. Therefore, the college is committed to creating and enforcing clear campus policies regarding the use of alcohol and other drugs.

## WETCC Alcoholic Beverages or Controlled Substances Policy

### Subpart A. Campus Policy

It is the policy of White Earth Tribal and Community College (WETCC) that the use, sale, possession, transfer, manufacture or distribution of alcohol and/or a controlled substance or paraphernalia commonly associated with controlled substances is forbidden on WETCC campus. In addition, any look alike substance is also prohibited.

The use of alcoholic beverages on campus is prohibited.

Cigarette, cigar smoking, chewing tobacco and the use of electronic nicotine delivery systems is prohibited in any WETCC building; smoking is not allowed on property unless in a privately owned vehicle.

### Subpart B. Prescription Medication

This policy does not prohibit the valid use of prescription medication used by the authorized individual in accordance to the prescribed method.

The unauthorized use of prescription medication is prohibited.

### Subpart C. Academics

Alcoholic beverages or controlled substances on campus for the purpose of research in a lab, classroom, may be subject to separate policies and procedures as recommended by Faculty and approved by the President and Council of Trustees.

### Subpart D. WETCC Owned Vehicles

Driving a WETCC Owned Vehicle under the influence of alcohol or a controlled substance is strictly forbidden.

### Subpart E. Law Enforcement.

Any incidents of illegal activity will be reported to the appropriate law enforcement agency, including but not limited to controlled substances and underage drinking.

## Employee Sanctions

### BEHAVIOR SUBJECT TO WETCC DISCIPLINE

WETCC's Personal Code of Conduct standards are developed to ensure that employees are able to work together as a professional team, with consideration for the rights and interests of others. Management may determine that certain behaviors are in violation of professional conduct and may warrant disciplinary action up to and including termination of employment without notice.

WETCC upholds the standards of the Drug Free Workplace Act and any violation may result in disciplinary action.

The Drug Free Workplace Act: <http://webapps.dol.gov/elaws/asp/drugfree/require.htm>

### DISCIPLINARY PROCEDURE

Depending on the severity of the situation, some steps may be eliminated, up to termination.

1. The first step for workplace performance issues shall be informal discussion and problem-solving between the supervisor and the employee.
2. If the informal discussion is unsuccessful, then the Corrective Action policy shall be applied. It is the College's policy and practice that discipline be progressive in nature, beginning with the least severe action necessary and increase in severity only if the condition warrants.

3. The degree of discipline shall be directly related to the seriousness of the offense and the employee's record. Therefore, it is possible for steps to be skipped or repeated.

#### CORRECTIVE ACTION

1. When informal discussions and problem solving have not resolved the issue or the situation warrants moving directly to formal action, the steps of corrective action shall include:

- a. Initial written warning, which may include a Performance Improvement Plan (PIP).
- b. A final written warning which may include a suspension without pay, transfer, or demotion may be an appropriate corrective action.
- c. For Exempt Staff, suspensions without pay must be in increments of full workweeks.
- d. The final action will be termination.

A Performance Improvement Plan(PIP) may be given at any time, with or without disciplinary action.

#### Removal from the Workplace during an Investigation

Certain circumstances shall warrant an employee's removal from the workplace to allow the College to investigate a situation, removal from the workplace will be at the President's discretion.

If the investigation is not completed within five (5) days of the employee's removal, the HR Office, in consultation with the appropriate Cabinet member, will determine whether additional time off is required to complete the investigation and whether the additional time will be with or without pay.

## Student Sanctions

### BEHAVIOR SUBJECT TO WETCC DISCIPLINE

#### 1.2 Abuse or misuse of substances:

1.2.1 Possession, sale, dispensation, use or consumption of alcoholic beverages on land or in buildings owned or managed by WETCC or in connection with college sponsored events.

1.2.2 Use, possession, sale, or distribution of controlled substances or illegal drugs.

1.2.3 Behavior while in a state of intoxication that is loud, disruptive, potentially injurious to the health or safety of others or affecting the cleanliness or maintenance of university facilities or on field trips as part of the college.

### COLLEGE DISCIPLINARY PROCEDURE

#### 2.1 Citations:

2.1.1 A report of a violation of the Student Code of Conduct may be made by a student or faculty or staff member of the college.

2.1.2 The complaint will be filed with the office of the Dean of Student Services on the form supplied by the Student Service Office.

2.1.3 The Dean of Student Services will address the concerns on the form.

2.1.4 The reporting form will be signed by the person submitting the report. Anonymous reports will be accepted and investigated to determine appropriate college action.

## 2.2 Dean of Student Services

2.2.1 Dean of Student Services will:

2.2.2 Carry out the conduct process from report to decision in a timely manner.

2.2.3 Serve as the investigator, conduct the hearing, render a decision, and impose sanctions.

2.2.4 Disclose if a conflict of interest exists with either the reporting or responding party, in which case the report will be directed to a different administrator on campus.

## 2.3 Staff Member

2.3.1 When a report has been filed, the staff member will refer the report to the appropriate designated Dean of Student Services. The Dean of Student Services will meet with both the reporting party and the responding party.

2.3.2 The Dean of Student Services, after conducting a proper investigation and hearing may:

2.3.2.1 Dismiss the allegation.

2.3.2.2 Assess the appropriate sanction

2.3.2.3 The Dean of Student Services will maintain complete records of all formal disciplinary proceedings

## 2.4 Conduct Process

2.4.1 Dean of Student Services receives report and begins investigation.

2.4.2 Dean of Student Services identifies alleged code violations, notifies student, and schedules meeting date and time within 5 class days of initial report.

2.4.3 Dean of Student Services holds prehearing conference with responding party to review rights and procedures.

2.4.4 Hearing is held with Complaints and Grievance Committee, responding party has the opportunity to provide evidence, witnesses, and explanation.

a. During student conduct hearings students have the right to have advisor of their choosing present, including legal counsel. In cases that do not involve potential suspension or expulsion, the advisor may not participate in the hearing. In a hearing that may result in expulsion or suspension, the advisor may participate fully in the conduct hearing, which includes the opportunity to make opening or closing statements, examine and cross examine witnesses, and to provide support, advice and guidance to the student.

2.4.5 Dean of Student Services renders decision and notifies student of findings and conditions/sanctions as they apply.

2.4.6 Student may appeal to President.

## SANCTIONS

### 3.1 Definition:

3.1.1 Sanctions are those penalties which may be imposed by the college upon persons who, in proper hearing processes, have been found to have committed violations of the Code of Student Conduct.

3.2 Sanctions which may be imposed by the college and assigned by the procedural hearing bodies established by Section 2. of this Code are:

3.2.1 Reprimand. Reprimand may be delivered either verbally or in writing. If the reprimand is in writing, a copy shall be retained on file in the Dean of Student Services' Office.

3.2.2 Conduct probation. Conduct probation indicates that further violation may result in suspension. Conduct probation may not be imposed for more than one year.

3.2.3 Suspension from participation in college-sponsored organizations, events and activities.

3.2.4 College Suspension. A student who is suspended may not enroll for classes for a determined length of time.

3.2.5 College Expulsion. A student who is expelled from the college is permanently barred from the college.

3.2.6 Sanctions including but not limited to counseling, evaluation, restitution, community service, and compensation for theft and damage to person or property may be imposed along with an official college sanction.

3.3 The college reserves the right to suspend immediately and remove from campus without hearing, any student that poses an immediate threat to the health or safety of persons on campus. A properly constituted hearing on the matter will take place as early as possible.

3.4 Registration for subsequent terms or the conferral of academic degrees may be withheld pending the resolution of allegations of student misconduct or until sanctions have been concluded and any conditions imposed by the college have been fulfilled.

### Non-responsive students

4.1 If the student absents him/herself from campus or does not respond when requested to participate in the disciplinary process, the following steps will be taken.

4.1.1 The Dean of Student Services shall make every reasonable effort to locate the student through ordinary channels, including, but not limited to e-mail, hand-delivered letter, and/or phone call.

4.1.2 If the student cannot be located or does not respond, the Dean of Student Services will initiate the normal disciplinary procedures in the student's absence.

### Student Appeals

5.1 Students have the right to appeal a disciplinary action of the Dean of Student Services to the President. The President shall not repeat the duties of the Dean of Student Services. The appeal shall be limited to a review of the initial hearing and supporting documents (except as required to explain the basis of new evidence) for one or more of the following purposes:

- a. To consider new evidence which may alter the decision.
- b. To determine whether the original hearing was conducted in accordance with published procedures.
- c. To determine whether the sanction(s) imposed were appropriate for the violation.

5.2 Student appeals should be submitted to the President within 5 business days of the decision in question.

## 6. CONDUCT RECORDS

6.1 Conduct records are kept on file in the Dean of Student Services. All conduct records are private and may not be disclosed in whole or in part except as provided by law, or by the written authorization of the student. Conduct records shall be retained separately from the student's educational record. The only disciplinary actions reflected on an official transcript shall be suspension or expulsion.

6.2 Conduct records containing violations that resulted in sanctions of less than suspension or expulsion are retained for a period of three years after a student graduates, withdraws or transfers and are kept in a conduct file in the Dean of Student Services. In cases where students receive a sanction.

## Updates

This document is designed to be an annual document and a notice will be sent out to inform prospective, new, and returning students and employees of the annual publication. However, updates may be necessary due to the changing of Tribal, State, and Federal laws, or changes to White Earth Tribal and Community College policy. For the most recent publication of this document, please see the White Earth Tribal and Community College website: [www.wetcc.edu](http://www.wetcc.edu) > "Quick Links".

## Legal Sanctions Under Federal and State Law

State and federal laws provide for a variety of legal sanctions for the unlawful possession of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

### Federal Sanctions

Controlled substance convictions under federal laws carry penalties ranging from up to one year of 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.

Provisions of the federal Controlled Substances Act, 21 U.S.C. 801 et al:

<https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

Federal trafficking penalties: <https://www.dea.gov/druginfo/ftp3.shtml>

## State of Minnesota Laws and Sanctions

Controlled substance convictions under Minnesota laws carry penalties including a prison sentence for not more than 30 years and a maximum fine of \$1,000,000 for sales and possession crimes. Subsequent controlled substance convictions result in commitment to the commissioner of corrections for four to 40 years and a maximum fine of \$1,000,000.

Minnesota controlled substances laws and sanctions:

<https://www.revisor.mn.gov/statutes/id=152>

## Misuse of Alcohol

The misuse of alcohol also can result in criminal penalties under Minnesota laws. Anyone under 21 years of age is guilty of a misdemeanor and subject to a minimum fine of \$100 if convicted of purchase, possession, or consumption of alcohol or misrepresentation of age in order to purchase alcohol. Anyone who provides alcohol to individuals under 21 years of age is also subject to criminal sanctions.

Minnesota law – underage alcohol offenses:

<https://www.revisor.mn.gov/statutes/?id=340A.503> Minnesota law – violations and penalties related to liquor laws: <https://www.revisor.mn.gov/statutes/?id=340A>

## Driving Under the Influence

While under the influence of alcohol, it is illegal to drive, or operate an ATV, boat or snowmobile. In addition, Minnesota state law imposes stiff penalties on individuals who are convicted of driving under the influence of alcohol, a controlled substance, or a hazardous substance. For example, a felony conviction of first-degree driving while impaired carries penalties of imprisonment for not more than seven years and a minimum fine of \$14,000. Administrative penalties for driving under the influence convictions include driver's license suspension, revocation, cancellation, denial, or disqualification.

Minnesota law – driving while impaired, including underage drinking and driving:

<https://www.revisor.mn.gov/statutes/?id=169A>

## White Earth Nation

The White Earth Reservation Tribal Code does not currently address alcohol and/or drug offenses; however State and Federal laws apply.

## Health Risks

The abuse of alcohol and/or drugs is harmful to one’s physical, mental, and social well-being. Accidents and injuries are more likely to occur if alcohol and drugs are used. Alcohol and drug users can lose resistance to disease and destroy their health. Tolerance and psychological dependence can develop after sustained use of drugs.

<b>Drug Type</b>	<b>Common or Street Name</b>	<b>Health Risks</b>
<b>Alcohol</b>	Booze, beer, wine, coolers, liquor	High blood pressure, higher risk of sexually transmitted diseases & unplanned pregnancy, depression, lowered resistance to disease, insomnia
<b>Marijuana</b>	Grass, reefer, pot, weed	Damage to heart, lungs, brain, lung cancer, decreased motivation, depression, paranoia, impaired memory
<b>Steroids</b>	Anabolic/Androgenic (roids, juice)	High blood pressure, liver and kidney damage, acne, atrophy of testes, breast enlargement in men, breast reduction in women, aggressiveness, mood swings
<b>Solvents-Inhalants</b>	Acetone, freons, nitrous oxide	Heart failure, respiratory arrest, liver and brain damage
<b>Sedatives</b>	Alcohol, booze, ludes, barbiturates, benzos	Liver damage, convulsions, depression, disorientation, insomnia
<b>Hallucinogens</b>	PCP, LSD, angel dust, mushrooms	Agitation, extreme hyperactivity, reduced eating, flashbacks
<b>Stimulants</b>	Cocaine, crack, amphetamines, diet pills	Headaches, depression; malnutrition, anorexia, strokes, seizures
<b>Narcotics</b>	Smack, codeine, heroine, lords	Respiratory arrest, sleepiness, organ and lung damage, nausea
<b>Tobacco</b>	Cigarettes, cigars, snuff, chew	Lung cancer, emphysema, oral cancer

## Drug/Alcohol Counseling and Rehabilitation Programs

White Earth Substance Abuse programs are available on and near the reservation offering drug abuse prevention, education, intervention, and treatment. Programming varies and may be offered to White Earth tribal enrollees, descendants, family members, and non-native community members, depending on the program. More information can be found on their website: [www.whiteearth.com](http://www.whiteearth.com) under "Programs and Services" > "Health" or by contacting:

[pat.moran@whiteearth-nsn.gov](mailto:pat.moran@whiteearth-nsn.gov)

White Earth Nation substance abuse programs:

**White Earth Substance Abuse Program**

P.O. Box 435  
26246 Crane Road  
White Earth, MN 56591  
Phone: 800-950-3248 ext. 1297  
Phone: (218) 983-3286 ext. 1297; (for adolescents ext. 6402)

**White Earth Substance Abuse Program**

2531 New Circle Dr.  
Naytahwaush, MN 56566  
218-983-3286x1338

**White Earth Substance Abuse Program**

47525 Mask Ki Ki Street  
Ponsford, MN 56575  
218-573-3900

**Women's Wellbriety Center**

2388 State Highway 200  
Mahnomen, MN 56557  
(218)936-5653

**White Earth Men's Substance Abuse-Primary Care**

2388 State Highway 200  
Mahnomen, MN 56557  
(218) 936-5830

**Circle Back Center**

35708 Co Hwy 21  
Ogema, MN 56569  
(218) 983-6404

Additionally, other regional programs offering assistance in substance abuse treatment or counseling include:

**Lakes Counseling Center**

1000 8<sup>th</sup> St. SE  
Detroit Lakes, MN 56501  
(218) 847-0696

**Drake Counseling Services**

115 Willow St. West Suite 1  
Detroit Lakes, MN 56501  
(218) 844-5191

**Village Family Service Center**

Employee Assistance Program  
1-800-627-8220

**Alcoholics Anonymous**

1-800-371-4017

WETCC Student Services division is available to assist students with referrals for appointments for substance abuse, chemical dependency issues, and other available services in the surrounding communities. Please see the Dean of Student Services for more information or for assistance to set up a meeting.

The following toll-free numbers may also be used for help or advice:

Program	Phone Number	Hours of Operation
Substance Abuse and Mental Health Services Administration (SAMHSA)	1-800-662-HELP (4357)	24/7
National Suicide Prevention Lifeline	1-800-273-TALK	24/7
Northwest Mental Health Crisis Hotline	1-800-282-5005	24/7

**Biennial Review - Effectiveness and Implementation**

The WETCC DAAPP is designed to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The program maintains compliance with federal standards by providing notice of the WETCC standards of conduct; description of sanctions for violating federal, state, and law, as well as WETCC policy; informing of the health risks associated with alcohol and drug use; offering education, prevention, and referral services to students and staff; monitoring WETCC's consistency of enforcement of sanctions; and performing a biennial review of the program's effectiveness. The Dean of Student Services (DSS), in collaboration with

the Human Resources Technician (HRT) and the Cultural Coordinator, ensures the implementation of the WETCC DAAPP and conducts a biennial review of the program to determine effectiveness, implement necessary changes and ensure that disciplinary sanctions are enforced.

The Student Services, Human Resources, and Cultural divisions implement activities throughout the year. WETCC activities are designed to meet compliance standards as well as advance the mission of the college by integrating Anishinaabe cultural ceremony and teachings into the prevention program. WETCC offers smudge (a cleansing smoke) and has tobacco for students to offer on a daily basis. Ceremonies such as the water ceremony and drum feast, are conducted throughout the year, where an offering of food and tobacco to the spirits are talked for in the Ojibwe language. Ceremonies such as these offer opportunities for healing by helping students learn traditional Anishinaabe ways to deal with the underlying issues that can lead to addiction. These activities are available to students, staff, and community members. The WETCC DAAPP, policies, and sanctions can be found on the WETCC web-site and in the student and employee handbooks.

WETCC will engage in yearly review and assessment of the DAAPP. The Dean of Student Services is responsible for steering this effort and works with the other divisions to identify the objectives, activities, data collection, and assessment of all WETCC DAAPP efforts.

All biennial review documentation will be located in the Dean of Student Services Office. A copy of the DAAPP plan, assessment plan, and the results of the biennial review will be stored on the WETCC One Drive and made available upon request to the public and/or the Secretary of the Department of Education.

Areas of assessment will include, but aren't limited to, the effectiveness of documented mandatory alcohol/drug treatment referrals for students (monitored by DSS) and employees (monitored by HRT), documented cases of disciplinary sanctions imposed on students (monitored by DSS) and employees (monitored by HRT), and drug testing results for any student (monitored by DSS) or employee (monitored by HRT) that were conducted by a rehabilitation program or injury related testing. This information will maintain appropriate anonymity for reporting purposes.

## **Enforcement of Disciplinary Sanctions**

The DSS and the HRT will review the sanctions imposed on students and employees to ensure that the disciplinary sanctions are consistently enforced.

## Appendix A – MN Drug Offender Grid

### 4.C. Drug Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denotes range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subjected to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Aggravated Controlled Substance Crime, 1st Degree</i> <i>Manufacture of Any Amt. Meth</i>	<b>D9</b>	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	<b>D8</b>	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	<b>D7</b>	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree</i> <i>Failure to Affix Stamp</i>	<b>D6</b>	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	<b>D5</b>	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	<b>D4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	<b>D3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	<b>D2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>D1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

\* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.