

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: 7
DATE: February 19, 2013

RECOMMENDATION

ACTION REQUESTED

Amend Board Policy 3.7.2, Alcohol and Other Drugs in accordance with the attached.

STAFF SUMMARY

The proposed amendment reflects a change in the Cabinet Member who will have overall responsibility for the implementation and administration of the policy from the Vice President for Student Affairs and Enrollment Management to the Provost and Vice President of Academic and Student Affairs. There are no substantive changes to the Policy

FISCAL IMPLICATIONS

None.

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.

University Executive Officer
Gloria A. Hage
General Counsel

Date



Policies, Rules and Regulations

Chapter Name: Employment and Affirmative Action

Chapter No. 3.7.2

Issue: Alcohol and Other Drug Policy

Effective Date: 12-10-1971

Revision Date: 9-20-2011

UNIVERSITY POLICY STATEMENT:

The University is committed to promoting and maintaining a work and academic environment that is free from illegal alcohol and drug use and abuse, in accordance with all federal, state, and local laws. Students and employees are prohibited from reporting to work or working under the influence of alcohol or drugs.

Employees may not consume, possess, distribute, or be under the influence of alcoholic beverages on University property or while on University business (except at University functions at which use of alcohol is approved). Employees, students, and campus visitors aged twenty-one (21) years or older, consuming alcohol at University functions or while on University business, where such use is approved, are expected to use alcohol responsibly and not engage in illegal, unprofessional, or disruptive behavior.

Students and campus visitors who have attained the legal drinking age of twenty-one (21) years of age may possess and consume alcoholic beverages only at approved university functions or in residence hall rooms of students who have attained the legal drinking age. Those under twenty-one (21) years of age are not permitted to consume or possess alcoholic beverages at any time.

Students, employees and visitors are prohibited from dispensing, selling or supplying alcoholic beverages to a person under the legal drinking age as defined by Michigan law.

Students, employees, and visitors are prohibited from possessing, consuming, manufacturing, dispensing, or being under the influence of illegal drugs or engaging in improper self-medication while on University property or University business. The Michigan Medical Marijuana Act of 2008 (MMMA) permits possession and consumption of limited amounts of marijuana in certain

circumstances. However, the state law conflicts with federal laws. Because EMU is subject to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act amendment of 1989, which prohibit controlled substances on campus, the use of medicinal marijuana is not permitted on campus.

Any member of the University community who violates this policy is subject to both prosecution and punishment under federal, state and local laws and to disciplinary proceedings by the University.

This policy is not designed to punish people for seeking rehabilitation. All information about those individuals who voluntarily avail themselves of drug or alcohol counseling or rehabilitation services will remain confidential. Seeking counseling or rehabilitation will not be used as a basis for disciplinary action or be used against an individual in any way.

University employees and students who violate this policy shall be informed about and referred to services to assist them in determining whether they are abusing drugs and alcohol or are chemically dependent. If a problem is found to exist, the individual will be referred to resources to assist him/her in overcoming the drug or alcohol abuse pattern. This referral or assessment shall not limit the University's ability to pursue appropriate disciplinary action, up to and including termination or expulsion, when an employee or student has violated this policy or any other University policy.

This policy shall not add to or supersede union contracts or established employee work rules.

UNIVERSITY PRACTICE

In order to comply with this policy Eastern Michigan University will:

1. Disseminate a copy of the University Alcohol and Other Drug (AOD) policy to all employees and students on an annual basis, which will include:
 - a. Information about programs aimed at preventing alcohol abuse and drug use and abuse.
 - b. Information about the dangers and health risks of alcohol and drug use and abuse.
 - c. Information on an annual basis on available counseling, treatment and rehabilitation or reentry programs and facilitate and encourage use of appropriate resources by all employees and students.
 - d. A description of all applicable local, state, federal and University sanctions for unlawful consumption, possession, or distribution of illicit drugs and alcohol.
 - e. The updated policy can be referenced at <http://www.emich.edu/uhs/drugpolicy.html>.
2. Disseminate a copy of EMU's policy on notification to parents of drug and alcohol violations related to the Family Educational Rights and Privacy Act (FERPA) to all students on an annual basis. This policy can be found at <http://www.emich.edu/registrar/ferpa.htm>

3. Require employees who are working on federally funded projects and who are convicted of violating any criminal drug statute while at the workplace or while on work-related activities, to notify their immediate supervisor within five (5) days. EMU will then notify the appropriate federal agency about such a violation.
4. Conduct a biennial review of its alcohol and other drug program as required by the Drug-Free School and Communities Act Amendment of 1989 to determine the effectiveness of, and implement necessary changes to the AOD program, and to ensure that consistent enforcement of disciplinary sanctions for violating standards of conduct are appropriately applied.
5. When alcohol is served or sold at approved University functions:
 - a. Alcoholic beverages shall not dominate the advertising or be the primary focus of any event.
 - b. Food and non-alcoholic beverage alternatives shall be available.
 - c. Precautionary measures shall be implemented to insure that alcoholic beverages are not accessible to persons under the legal drinking age.
 - d. The sponsoring person/group shall comply with applicable rules and regulations of the Michigan Liquor Control Commission.
6. Comply with a set of formal standards related to alcohol marketing on campus in three areas: alcohol advertising, alcohol industry promotions, and alcohol industry official sponsorship.

RESPONSIBILITY FOR IMPLEMENTATION:

The President of the University has overall responsibility for the implementation and administration of this policy and has delegated its overall management to the Chief Human Resources Officer and the Provost and Vice-President of Academic and Student Affairs ~~Vice President for Student Affairs and Enrollment Management~~. In addition, the President or his/her designee will generate a review of the institution's alcohol and other drug program as required by law.

SCOPE OF POLICY COVERAGE:

This policy applies to all current University employees, students, and visitors. The University will have jurisdiction over student-related misconduct that occurs on university premises and/or at university sponsored activities, but may also address off-campus behavior if the University determines that the behavior, or the continued presence of the student impairs, obstructs, interferes with, or adversely affects the mission, processes or functions of the University. Additional regulations on this subject may be found and may supersede this policy for employees covered by collective bargaining agreements.

Authority for Creation or Revision:

Minutes of the Board of Regents, December 10, 1971; para. 1058M.
Minutes of the Board of Regents, January 11, 1975; para. .1471M.
Minutes of the Board of Regents, January 17, 1979; para. .2039M.
Minutes of the Board of Regents, September 27, 1989; para. .4070M.
Minutes of the Board of Regents, September 25, 1990; para. .4256M.
Minutes of the Board of Regents, January 16, 2001; para. .5766M.
Minutes of the Board of Regents, December 2, 2003; para. .6194M.
Minutes of the Board of Regents, June 21, 2005, para. .6450M.
Minutes of the Board of Regents, September 20, 2011
