

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: 24

DATE:

RECOMMENDATION
ALCOHOL AND OTHER DRUG POLICY

ACTION REQUESTED

It is recommended that the Board amend Board Policy 3.7.2, Alcohol and Other Drugs in accordance with the attached.

STAFF SUMMARY

A review of the Alcohol and Other Drug Policy was initiated to comply with the University's obligation under federal law to review its compliance with the Drug Free Workplace Act every two years. Recommended changes to the policy include clarifying that those persons who voluntarily seek treatment are not in violation of the policy as well as minor changes to comply with the Michigan Medical Marijuana Act. All other changes to the policy are non-substantive.

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

3.02.15
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: 2-19-2013

Revisions Date: 3-17-2015

UNIVERSITY POLICY STATEMENT:

The University is committed to promoting and maintaining a work and academic learning, living, and work 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 illegal~~ drugs or prescribed drugs that impair their employee's ability to complete their position duties.

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 do so 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 ~~u~~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, selling, supplying, 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. Federal law classifies marijuana as an illegal controlled substance and, therefore, all uses of marijuana, including medicinal marijuana, are a violation of federal law.~~

~~Employees and students Any member of the University community who violates this policy is are subject to disciplinary proceedings by the University up to and including termination, or expulsion, and may also face 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.~~

~~Employees and students are encouraged to voluntarily avail themselves of treatment for a substance use disorder. The information related to individuals seeking treatment will remain confidential as stipulated and protected by federal and state laws. Voluntary disclosure and seeking treatment will not be a violation of the AOD policy.~~

~~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 and prescribed drugs and alcohol.

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 [policy and](#) program as required by the Drug-Free School and Communities Act Amendment of 1989 to determine their 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 is~~ appropriately applied. [Implement necessary changes to the AOD policy and program.](#)
5. When alcohol is served or sold at approved University functions, [all of the following must be met:](#)
 - 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 Vice President, University](#) Human Resources ~~Officer~~ and the Provost and [Executive](#) Vice-President of Academic and Student Affairs. In addition, the President or his/her designee will generate a review of the institution's alcohol and other drug [policy and](#) 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
Minutes of the Board of Regents, February 19, 2013

-

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: 2-19-2013

Revisions Date: 3-17-2015

UNIVERSITY POLICY STATEMENT:

The University is committed to promoting and maintaining a learning, living, and work 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, illegal drugs or prescribed drugs that impair their employee's ability to complete their position duties.

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 do so responsibly.

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, selling, supplying, or being under the influence of illegal drugs or engaging in improper self-medication while on University property or University business. 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. Federal law classifies marijuana as an illegal controlled substance and, therefore, all uses of marijuana, including medicinal marijuana, are a violation of federal law.

Employees and students who violate this policy are subject to disciplinary proceedings by the University up to and including termination, or expulsion, and may also face prosecution and punishment under federal, state and local laws.

Employees and students are encouraged to voluntarily avail themselves of treatment for a substance use disorder. The information related to individuals seeking treatment will remain confidential as stipulated and protected by federal and state laws. Voluntary disclosure and seeking treatment will not be a violation of the AOD policy.

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 available counseling, treatment and rehabilitation or reentry programs.
 - d. A description of all applicable local, state, federal and University sanctions for unlawful consumption, possession, or distribution of illicit and prescribed drugs and alcohol.
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.
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 policy and program as required by the Drug-Free School and Communities Act Amendment of 1989 to determine their effectiveness and to ensure that consistent enforcement of disciplinary sanctions for violating standards of conduct is appropriately applied. Implement necessary changes to the AOD policy and program,
5. When alcohol is served or sold at approved University functions, all of the following must be met:
 - 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 Vice President, University Human Resources and the Provost and Executive Vice-President of Academic and Student Affairs. In addition, the President or his/her designee will generate a review of the institution's alcohol and other drug policy and 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
Minutes of the Board of Regents, February 19, 2013