

BOARD OF REGENTS

EASTERN MICHIGAN UNIVERSITY

SECTION: D
DATE: October 20, 2022

RECOMMENDATION TO APPROVE REVISION TO BOARD POLICY

ACTION REQUESTED

It is recommended that the Board of Regents of Eastern Michigan University approve the attached revision to an existing Board Policy:

Revisions

Section 3.7.2 Alcohol and Other Drug Policy

STAFF SUMMARY

All University policies must be approved by The Board of Regents of Eastern Michigan University. A University policy is defined by all of the following: a) has broad application throughout the University; and b) helps to ensure compliance with applicable laws and regulations, promotes operational efficiencies, and enhances the university's mission or reduces institutional risks.

In an ongoing effort to enhance the transparency of the actions of the University and to align University practice with Board policy, Board Policies are subject to ongoing review and updated as appropriate. All Board Policies are published.


The policy listed for revisions above contains recommended updates in accordance with the attachments, which include the existing policy with the changes highlighted.

FISCAL IMPLICATIONS

None.

ADMINISTRATIVE RECOMMENDATION

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


University Executive Officer
Lauren M. London
General Counsel

10/20/2022
Date



EMU Board of Regents Policy

Section: 03 Employment, Affirmative Action and Civil Rights
Title: 03.07.02 Alcohol and Other Drug Policy
Last Revised: 02/18/2021
Last Reviewed: 02/18/2021

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 ability to complete their position duties.

Employees **who do not reside on University property** may not consume or possess (except as part of an approved educational course or research activity), 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 aged 21 and older who reside on University property may only consume, possess, distribute, or be under the influence of alcoholic beverages on University property if they do so lawfully, in accordance with University policy, and when acting in their personal capacity (i.e. when “off the clock” and not acting as an employee).** Employees, students, and campus visitors aged twenty-one (21) years or older, consuming alcohol at University functions or while on University business, **or property**, where such use is **lawful and** 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, except as part of an approved educational course or research activity and in strict accordance with the Michigan Liquor Control Code.

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, 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 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 or 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 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. When alcohol is possessed or consumed as part of an approved educational course or research activity all of the following must be met:
 - a. The course or activity must be specifically approved by the Office of the Provost and Executive Vice - President for Academic and Student Affairs and only upon submission of detail regarding the content of the course or activity and the plan for appropriate and responsible instruction, consumption and storage of any fermented food and/or beverages.
 - b. The education course or research activity must be conducted in accordance with MCL 4 36.1703(13), Section of Michigan's Liquor Control Code.
7. Comply with a set of guidelines 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

03.07.02 Alcohol and Other Drug Policy

found and may supersede this policy for employees covered by collective bargaining agreements.

Authority for Creation and 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

Minutes of the Board of Regents, August 2, 2016

Minutes of the Board of Regents, June 13, 2019

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