Policy Recommendation

Rescind and Replace University Policy F10-1,
The Use and Abuse of Alcohol and Other Drugs

Whereas, the use of, abuse of, intoxication from, and a dependency on alcoholic beverages and other drugs are of concern to the University community, as well as to our society at large; and
Whereas, alcohol and drug abuse remains a serious concern among college students, one that has direct and indirect effects on the health and academic performance of students; and
Whereas, the existing University policy on alcohol, F10-1, is not in alignment with current CSU policies and procedure; and
Whereas, the existing University policy on alcohol, F10-1, does not accurately address the California State University Executive Order 1109: Sales and Advertising of Alcoholic Beverages at University Athletic Facilities; Executive Order 1098: Student Conduct Procedures; Executive Order 1068: Student Organization Code of Conduct; therefore be it
Resolved, That University Policy F10-1 be rescinded and that the attached document be adopted as University policy.

PURPOSE
The purpose of this policy is to delineate University policy concerning alcohol and illegal drugs or substances, provide procedural guidelines, and communicate the consequences of failing to adhere to established policies. The use of alcohol and illegal drugs or substances is inconsistent with the primary mission of the University as an educational institution.

Provision for the purchase, sale, service, and consumption of alcoholic beverages on campus is a privilege accorded to University members with the understanding that they will comply with internal rules, regulations, and relevant legislation (local, state or national). All members of the University community as well as their guests have a responsibility to ensure that alcohol is used in a responsible manner by persons twenty-one (21) years of age or older.

I. EDUCATION
The use or abuse of alcohol, and a dependency on alcoholic beverages and illegal drugs or substances are issues of concern to the University community, as well as to our society at large. To this end, education becomes the responsibility
of the entire campus community, including an individual’s peers and any organization sponsoring an event where alcoholic beverages are served.

Copies of the University’s Alcohol and Drug Policy will be distributed to all students and employees on an annual basis in compliance with the Drug Free Schools and Communities Act.

The Division of Student Affairs has the responsibility to inform new students and their parents and/or guardians about the University’s Alcohol and Drug Policy, before and after they arrive on campus. A letter and a policy brochure will be provided to all new students and their parents and/or guardians informing them of the campus alcohol and drug policy. This information will be included with materials for all new student orientation sessions for frosh and transfer students. All students will receive information about the policy in the class catalog, online schedule of classes, residential life handbook, University website and/or direct email/mail. Copies of the University’s Alcohol and Drug Policy are also posted on the Student Health Center, Student Involvement, and Student Conduct & Ethical Development websites.

All student organizations must have at least one officer attend an orientation program provided by Student Involvement during the fall semester in order to maintain the organization’s recognized status. This orientation program will inform student organization officers on University policy and procedures, event planning, non-alcoholic programming, procedures for handling emergencies, responsible behavior and alcohol usage, and campus and community referrals and resources.

All advisors to student organizations will be notified about the University’s Alcohol and Drug Policy. They will be strongly encouraged to attend the fall semester officers’ orientation program as well as other alcohol education and prevention programs sponsored by the University.

University Personnel has the responsibility to distribute the policy to all employees annually.

II. ENFORCEMENT

All SJSU students are accountable to The California Code of Regulations, Title 5, Section 41301, which establishes behavioral expectations of our students. California State University’s policies are outlined in the Student Conduct Procedures (Executive Order 1098) as well as in the Student Organization Code of Conduct (Executive Order 1068).

The Office of Student Conduct & Ethical Development administers both codes of conduct. Student organizations, as well as their members, may be held collectively and/or individually responsible for violations if the misconduct occurs
on University property, on premises used or controlled by the organizations, and/or at University-sponsored activities. The officers or leaders of student organizations may be held collectively and/or individually responsible when such violations are committed by individuals associated with their organization.

a. **Sanctions for individuals may include and are not limited to:**
   - Restitution
   - Loss of Financial Aid
   - Educational and Remedial Sanctions
   - Denial of Access to Campus or Persons
   - Disciplinary Probation
   - Suspension
   - Expulsion

b. **Sanctions for student organizations may include and are not limited to:**
   - Social probation
   - Restitution of any damages that result from the conduct of the violator(s)
   - Report of violation(s) to the national headquarters
   - Required alcohol and/or other drugs education program
   - Loss of University recognition

Individual department or campus organization policies must be in compliance with this University Policy on Alcohol and Drugs and may impose more stringent standards. Examples of these departments and campus organizations include University Housing Services, Student Involvement, and Athletic Programs.

Management personnel at the campus handle alleged infractions of this policy by employees in accordance with the appropriate bargaining unit and other University policies.

### III. INDIVIDUAL CONSUMPTION AND USE

a. Individuals under the age of twenty-one (21) are not to possess or consume alcohol.

b. Alcoholic beverages may not be sold or consumed in generally accessible open areas on campus that are available to the public. Such areas include the common area of any campus residential community, building, classroom, meeting places, recreational facilities, etc. on campus. This does not apply to those alcoholic beverages possessed during University-sponsored events or purchased from campus food vendors and consumed in designated areas. Exceptions to this apply for the consumption of alcoholic beverages in the parking lots of sporting facilities (tailgating), which is discussed in Section VII.

c. No person will have in their possession any alcoholic beverage which has had the seal broken or the contents partially removed while in any public area on campus. This does not apply to those alcoholic beverages possessed during University-sponsored events or purchased from campus food vendors and...
consumed in designated areas. Exceptions to this include the consumption of alcoholic beverages in the parking lots of sporting facilities (tailgating), which is discussed in Section VII.

d. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations) or public intoxication while on campus or at a University related activity is prohibited.

e. Use, possession, manufacture or distribution of illegal drugs, or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited.

IV. UNIVERSITY HOUSING SERVICES

In addition to compliance under Executive Order 1098, the following applies to students residing in University Housing:

Alcohol

California state law prohibits alcoholic beverages from being sold, furnished or given to any person under the age of 21. As such, residents under the age of 21 are not permitted to be in the presence of, possess, or consume alcohol.

a) A resident who is at least 21 years of age and elects to consume alcohol in University Housing may do so only if all those present in the room are over 21 years of age, including all roommates. CVA Residents – this excludes minors who are a resident’s dependents.

b) If at least one resident of a room, suite, or apartment is under 21 years of age, no alcohol is permitted in the common areas of that room, suite, or apartment. Alcohol may only be consumed or stored in the bedroom if all residents in that room are 21 years of age or older.

c) Residents who are 21 years of age or older, may not provide alcohol to persons under 21 years of age at any time.

d) If all residents occupying a room, suite, or apartment are over 21 years of age, alcohol is permitted in the living space.

e) No possession, transportation (in plain view) or consumption of open containers of alcoholic beverages is permitted in building common or public areas by any person, regardless of age.

f) Residents of University Housing may transport unopened alcoholic beverage containers to their apartment or bedroom in a concealed bag.

g) Kegs or other “common source” containers such as party balls or beverage coolers used as mixing units are not permitted in the residence halls.

h) Empty alcohol beverage containers must be disposed of and may not be kept in the room, even as decorations regardless of the age of the residents occupying the unit.

Any alcohol found that violates the SJSU alcohol policy, regardless of the age of the owner, must be disposed of under the supervision of a University Housing staff member.
Residents found in violation of alcohol policies are subject to criminal prosecution as well as University disciplinary proceedings which may be grounds for immediate disciplinary action and/or revocation of the Housing License Agreement.

Residents, whose License Agreement is revoked, will still be responsible for the full amount owed in their Housing License Agreement for the academic year.

These policies exclude minors who are dependents of licensed residents of CVA and are authorized as "additional occupants" by University Housing Services.

Please note that residents found in violation of alcohol policies are subject to judicial action and/or criminal prosecution.

DRUGS

The possession, use, distribution, sale, or manufacture of any illegal drugs or other substances is prohibited by law and University policy. This includes but is not limited to marijuana, which remains illegal for all purposes and uses under federal law (and University policy). Such drug activities are not permitted and will not be tolerated in UHS facilities. For University Housing student conduct purposes, the smell of marijuana in addition to the presence of other evidence that supports the use of marijuana may be sufficient enough to revoke a resident's License Agreement. Revocation of the License Agreement may also result if the sale or inappropriate usage of prescription drugs is found. Possession of these items may result in revocation of the License Agreement. In these instances, all housing fees are NON-REFUNDABLE.

Please note that residents are subject to criminal prosecution as well as University disciplinary proceedings through the Office of Student Conduct & Ethical Development.

V. STUDENT ORGANIZATIONS

a. Student organizations must comply with State laws governing possession, sale, use, or consumption of alcoholic beverages which prohibits the sale or giving of any alcoholic beverage to any person under the age of twenty-one (21).

b. Per California State University Executive Order 1006 Student Activities, all officers are required to complete an Alcohol Education Training offered by Student Involvement.

c. Student organizations sponsoring events are responsible for following the appropriate procedures to prevent underage drinking, including providing alternatives to alcohol.
d. Student organization event sponsors will make every effort to prevent drinking and driving. Designated driver responses, safe ride type activities, or other safety programs at events are recommended.

e. Members cannot permit, tolerate, encourage or participate in “drinking games” including the promoting of massive consumption of alcohol.

f. All membership recruitment functions (e.g., fraternities and sororities, departmental clubs, and special interest groups) will be alcohol free.

g. Alcohol beverages may not be served to any under-aged or obviously intoxicated individual.

h. Use, possession, manufacture or distribution of illegal drugs, or drug-related paraphernalia (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited.

i. Sponsoring/hosting an activity at which illegal drugs or substances are used is prohibited.

VI. EVENTS

a. Event planners must take responsibility for preventing underage drinking during events sponsored on campus (e.g., socials, parties, concerts, tailgate parties). It is the responsibility of the sponsoring organization and/or University entity in control of the facility being used for an event, to ensure that underage drinking does not occur. This is to be done through the engagement of University police or other approved subcontracted security and their subsequent observations of the designated areas where alcohol is sold, served, or consumed.

b. No re-entry at athletic events, including all events at CEFCU Stadium University facilities or the Event Center where alcohol is being served. There will be no systematic patron re-entry allowed to any ticketed events where alcohol is being served at CEFCU Stadium or the Event Center. However, patron re-entry may be allowed for special circumstances on a case-by-case basis, including evaluation of the person’s behavioral state.

c. All University sponsored events held off campus will comply with this policy.

VII. ATHLETIC EVENTS

CSU Executive Order 1109: Sales and Advertising of Alcoholic Beverages at University Athletic Facilities, permits the sale of alcoholic beverages at any athletic event held in university owned or operated facilities.

It is recognized that tailgating, including the consumption of alcoholic beverages in sporting event parking lots, is a part of the University tradition. University Police and the Athletics Department will work together to set reasonable limits on tailgating including arrangement of an appropriate time for the gates to open before the event. Consumption of alcoholic beverages in the parking lot will not be allowed after the start of the event. All alcohol beverage consumption laws apply and will be enforced at all times. Failure to comply with the laws could result in arrest if one is a minor and removal from the stadium if one is 21 or older.
The University’s committee on Alcohol and Drug Prevention will establish or ascertain accurate information relative to student alcohol consumption. The reporting systems developed will ensure confidentiality. Policies and programs will be assessed each year using this system and other standard assessment instruments to determine if SJSU is meeting established learning and behavioral outcomes. Coordination of such efforts will be the responsibility of the University’s Committee on Alcohol and Drug Prevention and the Office of Student Conduct and Ethical Development, in consultation with various departments. Student Health, Student Involvement, University Housing, and Student Conduct & Ethical Development will assess and share with the University’s Committee on Alcohol and Drug Prevention any assessments or interventions conducted in this area to ensure student success. At minimum, the assessments will include such characteristics as patterns of student alcohol use; consequences of alcohol use; alcohol-related beliefs and perceptions; protective behaviors; environmental influences; and effectiveness. The University’s Committee on Alcohol and Drug Prevention will regularly report this information to the Academic Senate, University Administrators, faculty, staff, and students in an effort to improve prevention efforts.

Approved: February 25, 2019

Vote: 13-0-0

Present: To be added.

Absent: To be added.

Financial impact: None

Workload impact: None