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7 **Policy Recommendation**
8 **Rescind and Replace University Policy F10-1,**
9 **The Use and Abuse of Alcohol and Other Drugs**

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11 Whereas, the use of, abuse of, intoxication from, and a dependency on alcoholic
12 beverages and other drugs are of concern to the University community, as
13 well as to our society at large; and
14 Whereas, alcohol and drug abuse remains a serious concern among college
15 students, one that has direct and indirect effects on the health and
16 academic performance of students; and
17 Whereas, the existing University policy on alcohol, F10-1, is not in alignment with
18 current CSU policies and procedure; and
19 Whereas, the existing University policy on alcohol, F10-1, does not accurately
20 address the California State University Executive Order 1109: Sales and
21 Advertising of Alcoholic Beverages at University Athletic Facilities;
22 Executive Order 1098: Student Conduct Procedures; Executive Order
23 1068: Student Organization Code of Conduct; therefore be it
24 Resolved, That University Policy F10-1 be rescinded and that the attached document
25 be adopted as University policy.

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27 **PURPOSE**

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

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

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41 **I. EDUCATION**

42 The use or abuse of alcohol, and a dependency on alcoholic beverages and
43 illegal drugs or substances are issues of concern to the University community, as
44 well as to our society at large. To this end, education becomes the responsibility

45 of the entire campus community, including an individual's peers and any
46 organization sponsoring an event where alcoholic beverages are served.

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

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

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

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

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

79 80 **II. ENFORCEMENT**

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

87
88 The Office of Student Conduct & Ethical Development administers both codes of
89 conduct. Student organizations, as well as their members, may be held
90 collectively and/or individually responsible for violations if the misconduct occurs

91 on University property, on premises used or controlled by the organizations,
92 and/or at University-sponsored activities. The officers or leaders of student
93 organizations may be held collectively and/or individually responsible when such
94 violations are committed by individuals associated with their organization.
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96 a. **Sanctions for individuals may include and are not limited to:**

- 97 • Restitution
- 98 • Loss of Financial Aid
- 99 • Educational and Remedial Sanctions
- 100 • Denial of Access to Campus or Persons
- 101 • Disciplinary Probation
- 102 • Suspension
- 103 • Expulsion

104 b. **Sanctions for student organizations may include and are not limited to:**

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- 106 • Social probation
- 107 • Restitution of any damages that result from the conduct of the violator(s)
- 108 • Report of violation(s) to the national headquarters
- 109 • Required alcohol and/or other drugs education program
- 110 • Loss of University recognition
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112 Individual department or campus organization policies must be in compliance with
113 this University Policy on Alcohol and Drugs and may impose more stringent
114 standards. Examples of these departments and campus organizations include
115 University Housing Services, Student Involvement, and Athletic Programs.
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117 Management personnel at the campus handle alleged infractions of this policy by
118 employees in accordance with the appropriate bargaining unit and other
119 University policies.
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121 **III. INDIVIDUAL CONSUMPTION AND USE**

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- 123 a. Individuals under the age of twenty-one (21) are not to possess or consume
124 alcohol.
- 125 b. Alcoholic beverages may not be sold or consumed in generally accessible open
126 areas on campus that are available to the public. Such areas include the
127 common area of any campus residential community, building, classroom,
128 meeting places, recreational facilities, etc. on campus. This does not apply to
129 those alcoholic beverages possessed during University-sponsored events or
130 purchased from campus food vendors and consumed in designated areas.
131 Exceptions to this apply for the consumption of alcoholic beverages in the
132 parking lots of sporting facilities (tailgating), which is discussed in Section VII.
- 133 c. No person will have in their possession any alcoholic beverage which has had
134 the seal broken or the contents partially removed while in any public area on
135 campus. This does not apply to those alcoholic beverages possessed during
136 University-sponsored events or purchased from campus food vendors and

- 137 consumed in designated areas. Exceptions to this include the consumption of
138 alcoholic beverages in the parking lots of sporting facilities (tailgating), which is
139 discussed in Section VII.
- 140 d. Use, possession, manufacture, or distribution of alcoholic beverages (except as
141 expressly permitted by law and University regulations) or public intoxication while
142 on campus or at a University related activity is prohibited.
 - 143 e. Use, possession, manufacture or distribution of illegal drugs, or drug-related
144 paraphernalia, (except as expressly permitted by law and University regulations)
145 or the misuse of legal pharmaceutical drugs is prohibited.

146 **IV. UNIVERSITY HOUSING SERVICES**

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

151 **Alcohol**

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

- 157 a) A resident who is at least 21 years of age and elects to consume alcohol in
158 University Housing may do so only if all those present in the room are over 21
159 years of age, including all roommates. CVA Residents – this excludes minors
160 who are a resident's dependents.
- 161 b) If at least one resident of a room, suite, or apartment is under 21 years of age, no
162 alcohol is permitted in the common areas of that room, suite, or apartment.
163 Alcohol may only be consumed or stored in the bedroom if all residents in that
164 room are 21 years of age or older.
- 165 c) Residents who are 21 years of age or older, may not provide alcohol to persons
166 under 21 years of age at any time.
- 167 d) If all residents occupying a room, suite, or apartment are over 21 years of age,
168 alcohol is permitted in the living space.
- 169 e) No possession, transportation (in plain view) or consumption of open containers
170 of alcoholic beverages is permitted in building common or public areas by any
171 person, regardless of age.
- 172 f) Residents of University Housing may transport unopened alcoholic beverage
173 containers to their apartment or bedroom in a concealed bag.
- 174 g) Kegs or other "common source" containers such as party balls or beverage
175 coolers used as mixing units are not permitted in the residence halls.
- 176 h) Empty alcohol beverage containers must be disposed of and may not be kept in
177 the room, even as decorations regardless of the age of the residents occupying
178 the unit.

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180 Any alcohol found that violates the SJSU alcohol policy, regardless of the age of
181 the owner, must be disposed of under the supervision of a University Housing
182 staff member.

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184 Residents found in violation of alcohol policies are subject to criminal prosecution
185 as well as University disciplinary proceedings which may be grounds for
186 immediate disciplinary action and/or revocation of the Housing License
187 Agreement
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189 Residents, whose License Agreement is revoked, will still be responsible for the
190 full amount owed in their Housing License Agreement for the academic year.
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192 These policies exclude minors who are dependents of licensed residents of CVA
193 and are authorized as "additional occupants" by University Housing Services.
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195 Please note that residents found in violation of alcohol policies are subject to
196 judicial action and/or criminal prosecution.
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198 **DRUGS**

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200 The possession, use, distribution, sale, or manufacture of any illegal drugs or
201 other substances is prohibited by law and University policy. **This includes but is**
202 **not limited to marijuana, which remains illegal for all purposes and uses**
203 **under federal law (and University policy).** Such drug activities are not permitted
204 and will not be tolerated in UHS facilities. For University Housing student conduct
205 purposes, the smell of marijuana in addition to the presence of other evidence that
206 supports the use of marijuana may be sufficient enough to revoke a resident's
207 License Agreement. Revocation of the License Agreement may also result if the
208 sale or inappropriate usage of prescription drugs is found. Possession of these
209 items may result in revocation of the License Agreement. In these instances, all
210 housing fees are NON-REFUNDABLE.
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212 Please note that residents are subject to criminal prosecution as well as University
213 disciplinary proceedings through the Office of Student Conduct & Ethical
214 Development.
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216 **V. STUDENT ORGANIZATIONS**

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218 a. Student organizations must comply with State laws governing possession, sale,
219 use, or consumption of alcoholic beverages which prohibits the sale or giving of
220 any alcoholic beverage to any person under the age of twenty-one (21).
221 b. Per California State University Executive Order 1006 Student Activities, all
222 officers are required to complete an Alcohol Education Training offered by
223 Student Involvement.
224 c. Student organizations sponsoring events are responsible for following the
225 appropriate procedures to prevent underage drinking, including providing
226 alternatives to alcohol.

- 227 d. Student organization event sponsors will make every effort to prevent drinking
228 and driving. Designated driver responses, safe ride type activities, or other safety
229 programs at events are recommended.
- 230 e. Members cannot permit, tolerate, encourage or participate in “drinking games”
231 including the promoting of massive consumption of alcohol.
- 232 f. All membership recruitment functions (e.g., fraternities and sororities,
233 departmental clubs, and special interest groups) will be alcohol free.
- 234 g. Alcohol beverages may not be served to any under-aged or obviously intoxicated
235 individual.
- 236 h. Use, possession, manufacture or distribution of illegal drugs, or drug-related
237 paraphernalia (except as expressly permitted by law and University regulations)
238 or the misuse of legal pharmaceutical drugs is prohibited.
- 239 i. Sponsoring/hosting an activity at which illegal drugs or substances are used is
240 prohibited.

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242 **VI. EVENTS**
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- 244 a. Event planners must take responsibility for preventing underage drinking during
245 events sponsored on campus (e.g., socials, parties, concerts, tailgate parties). It
246 is the responsibility of the sponsoring organization and/or University entity in
247 control of the facility being used for an event, to ensure that underage drinking
248 does not occur. This is to be done through the engagement of University police
249 or other approved subcontracted security and their subsequent observations of
250 the designated areas where alcohol is sold, served, or consumed.
- 251 b. No re-entry at athletic events, including all events at CEFCU Stadium University
252 facilities or the Event Center where alcohol is being served. There will be no
253 systematic patron re-entry allowed to any ticketed events where alcohol is being
254 served at CEFCU Stadium or the Event Center. However, patron re-entry may be
255 allowed for special circumstances on a case-by-case basis, including evaluation
256 of the person’s behavioral state.
- 257 c. All University sponsored events held off campus will comply with this policy.
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259 **VII. ATHLETIC EVENTS**
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261 CSU Executive Order 1109: Sales and Advertising of Alcoholic Beverages at
262 University Athletic Facilities, permits the sale of alcoholic beverages at any
263 athletic event held in university owned or operated facilities.
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265 It is recognized that tailgating, including the consumption of alcoholic beverages in
266 sporting event parking lots, is a part of the University tradition. University Police
267 and the Athletics Department will work together to set reasonable limits on
268 tailgating including arrangement of an appropriate time for the gates to open
269 before the event. Consumption of alcoholic beverages in the parking lot will not be
270 allowed after the start of the event. All alcohol beverage consumption laws apply
271 and will be enforced at all times. Failure to comply with the laws could result in
272 arrest if one is a minor and removal from the stadium if one is 21 or older.

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VIII. ASSESSMENT

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: March 18, 2019
- Vote: 15-0-0
- Present: Bullen, Gill, Grindstaff, Hill, Kethepalli, Khan, Kim, Kinney, Manzo, Nash, Ng, Pang, Sen, Simpson, Sullivan-Green, Walters, Wilson
- Financial impact: None
- Workload impact: None