

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**F10-1, Policy Recommendation, The Use and Abuse of
Alcohol and Other Drugs**

Legislative History: Rescinds S02-5

At its meeting of October 11, 2010, the Academic Senate approved the following policy recommendation presented by Senator Gleixner for the Instruction and Student Affairs Committee.

**Action by University President: Approved by President
Don Kassing**

Date: October 21, 2010

**POLICY RECOMMENDATION
The Use and Abuse of Alcohol and Other Drugs**

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| Whereas | the use of, abuse of; intoxication, and a dependency on alcoholic beverages are of concern to the University community, as well as to our society at large; and |
| Whereas | alcohol abuse is a serious and growing problem 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, S02-5, does not state the separate responsibilities and possible sanctions of both individuals and organizations; and |
| Whereas | the existing University policy on alcohol, S02-5, does not address the National Drug Free Schools and Communities Act and California State University Executive Order No. 966: Alcohol Sales and Advertising Policy and California State University Executive Order No. 1006: Student Activities; therefore be it |
| Resolved | That University Policy S02-5 be rescinded and that the attached document be adopted as University policy. |

Approved: 9/13/2010

Vote: 13-0-0

Present: Eric Armendariz, Steve Branz (non-voting), Bill Campsey, Victor Culatta, Caroline Fee, Stefan Frazier, Stacy Gleixner (chair), Mo Han, Tomasz Kolodziejek, Deanna Peck, Arlando Smith, Marian Sofish, Christina Solorzano, Kevin Starks

Absent: Rich Kelley, Elizabeth McGee, Terri Thames, Sheryl Walters

Financial Impact: Loss of revenue to Athletics due to no alcohol sales in sporting facilities

Workload Impact: Increased workload on enhanced officer training for student organizations, enhanced orientation for new students and their parents, and assessment by the University's committee on Alcohol and Drug Prevention and the Office of Student Conduct and Ethical Development.

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.

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. The use of alcohol and other drugs should not interfere with the primary mission of the University as an educational institution.

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 individual's peers and any other organization sponsoring an event where alcoholic beverages are served and illegal drugs or substances are used.

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 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 informing them of the campus alcohol and drug policy. This information will be included with materials for all new student orientation sessions for freshman 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 emails/mail.

Human Resources has the responsibility to distribute the policy to all employees annually. Faculty Affairs has the responsibility to distribute the policy to all faculty annually.

Copies of the University's Alcohol and Drug Policy will be made available at the Student Health Center, Student Involvement and the Office of Student Conduct & Ethical Development.

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.

II. ENFORCEMENT

All students are accountable to the University's policies as outlined in the Student Code of Conduct (Presidential Directive 2007-01) as well as the Student Organization Code of Conduct (Presidential Directive 2007-04).

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

- Administrative Academic Probation
- Administrative Academic Disqualification
- Loss of University housing
- Required alcohol and/or other drugs education program
- Restitution for any damages that result from the conduct of the violator(s)

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 residence hall, 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 Spartan Shops 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 his or her 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 Spartan Shops 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.

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 the "Individual Consumption and Use" section, in University Housing:

a. No resident or guest under the age of twenty-one (21) years of age may possess, manufacture, distribute or consume alcohol.

b. No resident or guest under the age of twenty-one (21) years of age may be present in a room with open containers of alcoholic beverages. Open containers may be considered evidence of consumption.

c. The use, possession or sale of any illegal drug or substance is prohibited.

d. Possession, transportation (in plain view) or consumption of open containers of alcoholic beverages is not allowed in common or public areas by any person, regardless of age. Kegs or other "common source" containers such as, but not limited to, party balls or beverage coolers used as mixing units are not allowed in the residence halls.

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. All student organization presidents must sign an agreement to abide by and uphold the University's Alcohol Policy in order to maintain their organization's recognition with the University.

- c. Per 2007 California State University Executive Order No. 1006 Student Activities, all officers are required to complete an Alcohol Education Training offered by Student Involvement.
- d. Student organizations sponsoring events are responsible for following the appropriate procedures to prevent underage drinking, including providing alternatives to alcohol.
- e. 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.
- f. Members cannot permit, tolerate, encourage or participate in “drinking games” including the promoting of massive consumption of alcohol.
- g. All membership recruitment functions (e.g., fraternities and sororities, departmental clubs, and special interest groups) will be alcohol free.
- h. Alcohol beverages may not knowingly be served to any under-aged or obviously intoxicated individual.
- i. 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.
- j. 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 Spartan Stadium 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 Spartan 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

The 2005 CSU Executive Order 966, Alcohol Sales and Advertising Policy, prohibits the sale of alcoholic beverages at any athletic event held in university owned or operated facilities and limits alcohol advertising to beer and wine on California State University campuses in compliance with policy guidelines consistent with the "Guidelines for Beverage Alcohol Marketing" distributed by the National Inter-Association Task Force on Alcohol Issues, a higher education coalition dedicated to the responsible use and advertising of beverage alcohol.

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. Underage drinking laws will be strictly enforced by University police.

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 Student Conduct and Ethical Development's consultation with various departments. 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. This information will be regularly reported to the University's Committee on Alcohol and Drug Prevention, Academic Senate, University administrators, faculty, and staff in an effort to improve prevention efforts.