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MEMORANDUM

Date: March 5, 2019
To: Saichi Oba, Associate Vice President of UA Student and Enrollment Strategy
From: Chris Fallen, Chair of UA Faculty Alliance ^{DS} *CTF*
Subject: Faculty Alliance review of proposed Alcohol and Marijuana University Regulations R05.12.103 and R05.12.104

In response to your request on February 4, 2019, Faculty Alliance reviewed the proposed new Alcohol and Marijuana University Regulations **R05.12.103** and **R05.12.104**, including the additional revision to **R05.12.103 (G) *Alcohol Use During University-Related Travel and Field Work*** and **R05.12.104 (A) *Applicability*** produced by an unidentified small team for President Johnsen and relayed to the Alliance on February 15, 2019.

Faculty Alliance suggests the following modifications to the proposed regulations:

1. Create an explicit exemption in **R05.12.104** for research involving marijuana for pharmaceutical and other purposes. Legitimate research on marijuana that complies with all Alaska state and US Federal laws and regulations should not be prohibited by University Regulation.
2. Explicitly forbid the presence of alcohol and marijuana during for-credit field courses except perhaps only via course-by-course written permission by the Chancellor. Sample language sufficient to Faculty Alliance (without the Chancellor exception) is attached.

Modification 2 deserves additional rationale. Alcohol and marijuana regulations, especially alcohol, should protect students in remote field courses from alcohol-related safety concerns such as the presence of firearms, Title IX incidents, fights related to alcohol consumption, medical emergencies caused by alcohol consumption and the inability to deal with medical issues due to alcohol consumption. These are real and in many cases documented incidents, not so-called smoke looking for a fire. As is, the regulations proposed by management do nothing to offer additional protections for students who are required to take a course in a remote field site from alcohol-related violence, firearm misuse, and misbehavior. Students do not have the opportunity to remove themselves from dangerous situations during remote field work. Alcohol should be banned during for-credit field courses to facilitate equal and safe access to education for all. (This ban is not intended to apply to established field stations such as Toolik Field Station

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that have their own policies, access to the UAF Title IX office, emergency medical technicians, and permanent professional management.) Universities across the country have this field course alcohol prohibition policy in place for the same rationale.

On February 22, 2019, Faculty Alliance approved the proposed changes to university regulations on alcohol and marijuana subject to 1 and 2 above.

P05.12.103. Alcoholic Beverages on Campus

Persons who have reached the statutory drinking age are permitted to possess and consume alcoholic beverages on University campuses as provided by applicable University regulation, campus procedures, and all applicable laws and regulations.

R05.12.103 Alcoholic Beverages on Campus

A. General Statement

The University is concerned about ways in which alcohol use and abuse may affect the primary academic mission of the institution, its overall atmosphere and the personal well-being of University community members. Most events and activities supported and hosted at the University of Alaska are alcohol free. However, there are a limited number of locations, events, and activities where alcohol may be appropriately served in modest quantities within a controlled environment. Therefore, the purpose of this regulation, and its elaboration in MAU rules and procedures, is to establish a framework for the possession and consumption of alcoholic beverages.

The primary objectives of the University’s policies and regulations on alcoholic beverages are:

1. to promote responsible behavior and attitudes among all members of the University community;
2. to encourage educated decision making by University employees regarding the service and use of alcohol;
3. to promote public safety on campuses and at University-sponsored events; and
4. to maintain a healthy atmosphere on campus.

B. Applicability

This regulation covers the consumption of alcoholic beverages by any individual on University lands, at University facilities, and at all University events. This regulation is applicable to events held both on and off campus. This regulation also provides guidelines for the possession and consumption of alcohol by students and student organizations during University-related travel.

C. Alcohol Use, Possession, and Display on Campus

Unless expressly permitted, consumption or possession of beer, wine or other alcoholic beverages is prohibited. Chancellors, chief student affairs officers, directors of community campuses or their designees have the authority to approve events and locations where alcoholic beverages may be served to individuals of legal age.

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Faculty Alliance suggested additions in **BOLD CAPS** and deletions in **[[bold brackets]]**

The University complies fully with federal, state, and local laws regarding the possession, sale, and consumption of alcoholic beverages. Individuals who violate this policy are subject to disciplinary action as well as local, state, and federal legal penalties. This policy is supported by the Student Code of Conduct in Chapter 09.02 with application to both students and student organizations, in addition to the policy on Corrective Action in Chapter 04.07 with regards to employees.

D. Procedures for Events Where Alcoholic Beverages Are Served or Sold

The University requires advance approval and compliance with the following procedures for events where alcoholic beverages are served or sold including student organization events.

1. Beer and wine are the only alcoholic beverages permitted. The possession of kegs and other large quantities of alcoholic beverages will only be allowed by special permission of the Chancellor.
2. Individuals who are at least 21 years old must present a valid State of Alaska ID or driver's license or other official state or federal identification verifying their date of birth prior to being served an alcoholic beverage.
3. University staff, contractors, and representatives will refuse the distribution or sale of alcohol to any guest who appears to be intoxicated, inebriated, or impaired due to alcohol consumption.
4. Any beer and wine served must stay within a well-defined and controlled environment. Participants may not remove alcoholic beverages from this setting.
5. Participants may not provide their own alcoholic beverages.
6. Drinking games, contests or any activity that encourage the excessive consumption of alcoholic beverages is prohibited.
7. The event must be private (not open to the general public) unless granted special permission from the Chancellor.
8. The event must be limited to a specified time period at a designated location.
9. The serving or sale of alcoholic beverages must end a minimum of 30 minutes before the end of the event.
10. Food and non-alcoholic beverages must be provided.
11. The sale of beer or wine at University-sanctioned events on campus is not permitted unless granted special permission from the Chancellor.
12. Alcohol beverages may not be sold at off-campus events unless the provision and sale of alcohol is done by a vendor with a State of Alaska liquor license and the vendor agrees in advance to adhere to the provisions of these regulations.
13. UA student organizations may not have alcohol be the main focus of an event.
14. UA student organizations may not serve beer or wine at meetings where official student organization business is being conducted.
15. The approving authority may require additional conditions, based on the nature of the specific event, the location of the event, and/or the intended participants of the event.

16. The individual requesting that alcoholic beverages be served at an event, those monitoring the event, and individual participants consuming alcohol, will be personally responsible for any behavior that may violate the safety, rights, and property of others.
17. Alcoholic beverages may not be purchased with University or public funds, with the exception of unrestricted foundation accounts.

E. Alcohol Use and Possession in On Campus Housing

Alcohol possession or consumption is not permitted by individuals under 21 years old. Residents 21 years of age or older will have the privilege of possessing and consuming alcoholic beverages in private spaces within on campus housing. However, alcohol consumption in the housing environment must not jeopardize public safety, infringe upon other residents' rights to privacy, or impact the ability of others to study and rest within their housing units. Therefore, the University has put the following regulations in place pertaining to alcohol use and possession in on campus housing:

1. A residential unit in which even one resident is under the age of 21 shall be a substance-free environment until such time that all roommates are the age of 21 or older, except in employee, family, and graduate housing units where the under 21 individual is a dependent of the leaseholder.
2. Providing alcoholic beverages to underage persons is prohibited.
3. Hosting underage guests when an open container of alcohol is present is prohibited. Residents under 21 years of age may not be in the same residential unit as an open container of alcohol.
4. Residents who are not of legal drinking age may not be in possession of alcohol at any time in their room, apartment, or suite nor may they allow guests to bring alcohol into their room, apartment, or suite regardless of the age of their guest(s).
5. The possession or consumption of any alcohol stronger than 80 proof is not permitted. Use of common sources of alcohol, including but not limited to kegs, party balls, trash cans, and punch bowls is prohibited.
6. The possession of alcohol paraphernalia (e.g., beer bong, funnels, etc.) that are designated for the irresponsible use of alcohol are prohibited.
7. Residents under the age of 21 may not possess or transport empty alcohol containers.
8. Drinking games, contests or any activity that encourages the excessive consumption of alcoholic beverages are prohibited.
9. Possession or consumption of alcohol in common areas of residential communities, to include balconies and porches, is prohibited.
10. It is prohibited to be visibly intoxicated within residential communities.
11. Residents may possess alcohol signage, but it may not be visible from the exterior of buildings.
12. Sale or distribution of alcohol is prohibited.
13. Production of alcoholic beverages, or possessing materials used in the production of alcoholic beverages, is prohibited.

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Faculty Alliance suggested additions in BOLD CAPS and deletions in [[bold brackets]]

14. Any resident who is intoxicated and unable to exercise care for their own health or safety may not reside in University housing until a Residence Life professional determines the individual is reasonably able to live in an unsupervised living environment. In the interim, Residence Life professionals will coordinate with the resident, the resident's emergency contact, local police, or emergency personnel to determine a safe environment, family member, or off-campus friend who can provide supervision to the resident.
15. Any alcoholic beverages possessed in violation of these policies will be confiscated and disposed of by Residence Life staff.
16. Parents/guardians of residents who are under the age of 21 may be notified of alcohol policy violations in accordance with the Family Education Rights and Privacy Act of 1974 as amended (FERPA).

F. Displays of Alcohol Containers

Display of alcoholic beverages is prohibited except during designated times and locations where service of alcoholic beverages has been approved. Displays of empty alcohol containers are also prohibited unless they are being used for an academic reason such as an educational program, a classroom demonstration, or an art project.

G. Alcohol Use During University-Related Travel and Field Work **NOT INVOLVING FOR-CREDIT COURSE RELATED TRAVEL**

ALCOHOL IS PROHIBITED DURING ALL FOR-CREDIT, COURSE-RELATED TRAVEL

Alcohol use is permissible for individuals of legal drinking age during University-related travel and field work **NOT RELATED TO A FOR-CREDIT COURSE**. Individuals must abide by all local laws. Individuals may not be impaired - defined as the inability to act with the caution or skill that one would normally display if not affected by an intoxicant. Specific program policies may further restrict alcohol use. Chancellors or their designees have the authority to adopt more restrictive policies.

For students this regulation includes but is not limited to travel by students or student clubs and organizations participating in University-authorized travel, faculty led programs, **[[courses with field trips,]]** athletics, research programs, study abroad programs, exchange programs, etc.

For employees this includes but is not limited to University-authorized travel, conference attendance, field research, faculty-led research, archeological field sites, University outdoor excursions, courses with field trips, courses at off-campus locations, exchange programs, study-abroad programs, recruitment trips, etc.

Individuals who choose to consume alcoholic beverages should understand the risks including short and long-term health risks, and increased risk taking behaviors. In order to reduce the risks and harms associated with alcohol consumption, individuals should consume alcohol in

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moderation. Individuals should always designate a sober driver, consume food before or during drinking, and should also drink non-alcoholic beverages. Driving under the influence is strictly prohibited.

P05.12.104. Marijuana and Other Illegal Substances

Possession or use of marijuana or any other substance controlled pursuant to 21 U.S.C. 841 et seq. anywhere on University property is prohibited. Violations of this policy will result in disciplinary action, as provided by applicable University regulation, campus procedures, and all applicable laws and regulations.

R05.12.104 Marijuana and Other Illegal Substances

A. Applicability

This regulation covers the consumption and possession of all marijuana products by any individual on University lands, at University facilities, at all University events, or while engaging in University-sanctioned activities away from campus. **This includes all University-related travel and field work.**

B. Marijuana Use, Possession, and Distribution

1. Possession, use, distribution, or being under the influence of marijuana is prohibited.
2. Products that contain 0.3% or more of the THC compound are prohibited. This includes but is not limited to: bud or leaf plant materials, edibles, extracts, concentrates, topicals, and oils.
3. Possession of marijuana paraphernalia is prohibited. This includes but is not limited to: smoking devices, vaping devices, rolling papers, grinders, any item fashioned for the purpose of facilitating marijuana use (pipes, bongs, etc.), or items that conceal or disguise marijuana use.
4. Production of marijuana on campus, or possessing materials used in the production of marijuana plant cultivation, is prohibited.
5. On campus residents may possess marijuana signage, but it may not be visible from the exterior of buildings.

SW ACTION/INFORMATION TRANSMITTAL

Print Form

Subject: DRAFT for comments: University Alcohol (R05.12.103) and Marijuana (R05.12.104) Regulations

Action Coordinator* (AC) Name: Saichi T. Oba

AC Dept & Position: Student & Enrollment Strategy, Office of the VPASR

AC Email: stoba@alaska.edu

Phone: 9074508146

Date: 02042019

AC Signature:

Suspense Date for Completion: 03042019

**Purpose/
Background:**

Please review and add edits as needed.
Chris - as chair of the FA, I request that all feedback and/or comments to the attached Regulations from the Faculty Alliance be shared you, resulting in a single document of feedback. That document can be emailed to me at stoba@alaska.edu by the Suspense Date noted above.
Thank you.

Recommendation(s):

**Attachment(s):
(list in order)**

19.01.23 UA Proposed Alcohol and Marijuana Regulations (1) DRAFT

Routing for Coordination, Review, Comment, Approval, Signature

To	Indicate Action Required & Due Date	Initial	Date
Faculty Alliance	(See note above in Purpose/Background)	^{DS} CTF	March 5, 2019

Instruction(s) for final disposition:

- Return to Action Coordinator Other (please use space above to explain)

***Action Coordinator:** Accountable employee; responsible for questions, edits, information, and meeting the completion suspense date.