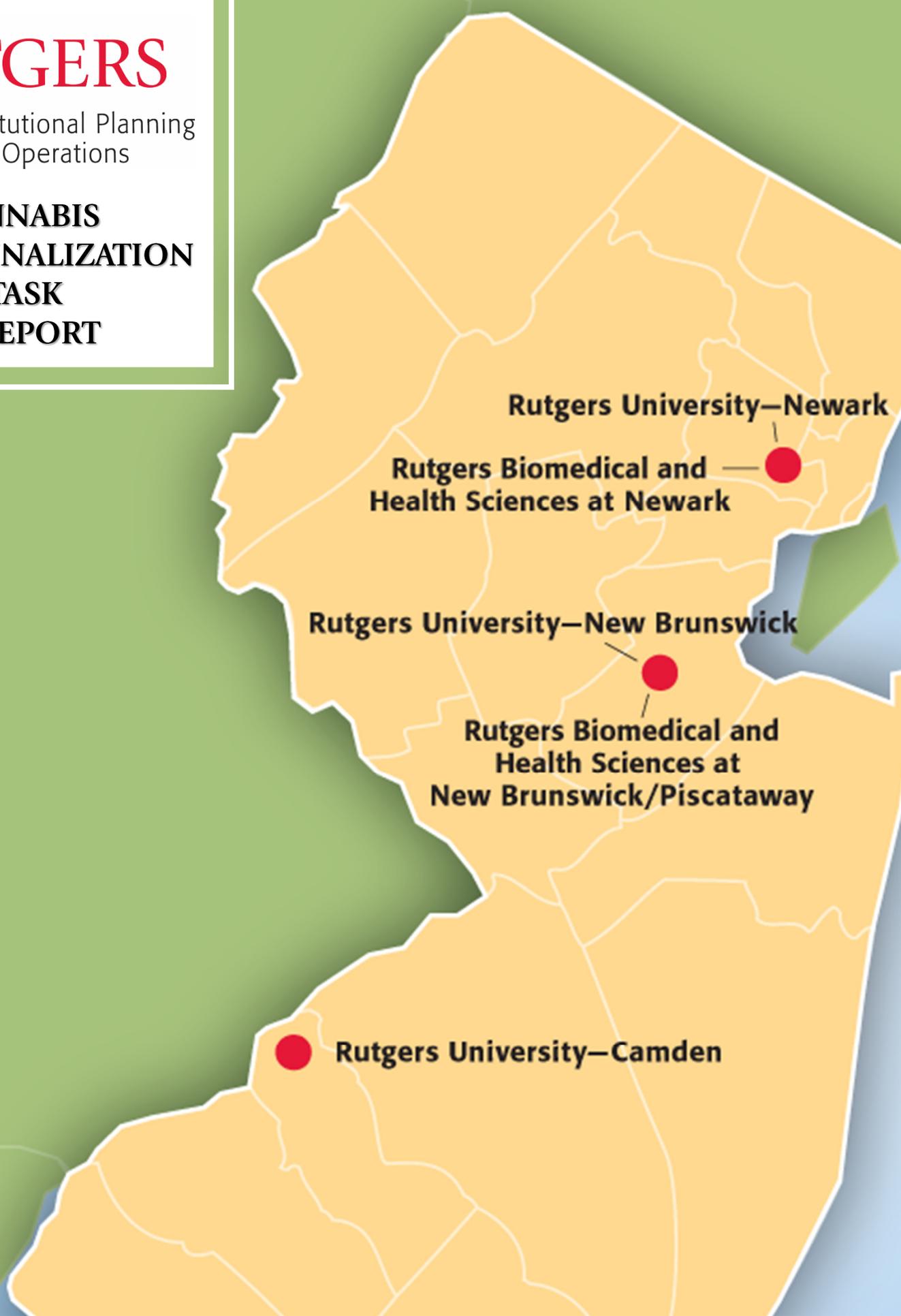


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2021 CANNABIS DECRIMINALIZATION IMPACT TASK FORCE REPORT



RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
CANNABIS DECRIMINALIZATION IMPACT TASK FORCE REPORT

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**EXECUTIVE
SUMMARY**

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EXECUTIVE SUMMARY

On February 22, 2021, NJ Governor Phil Murphy enacted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which immediately decriminalized the possession (up to 6 ounces) and recreational use of cannabis and hashish for individuals 21 years of age and over in the State of New Jersey. The legislation also reduced several penalties for underage possession. These changes followed the overwhelming voter approval of a referendum to authorize the sale of recreational cannabis to adults under a regulated market that is expected to commence later this year. To date, the regulatory scheme for the operation of the adult-use retail market has yet to be promulgated; however, the Cannabis Regulatory Commission charged with launching New Jersey's legal cannabis market met for the first time on April 12, 2021 to outline their path forward.

While these changes continue to evolve, University President Jonathan Holloway convened a universitywide Cannabis Decriminalization Impact Task Force in late-March chaired by Executive Vice President and Chief Operating Officer Antonio Calcado. The purpose of the Task Force was to consider the overall impacts the new state law would have on university day-to-day operations with the intention to implement the necessary policy and procedural changes before the start of the fall semester. Task force members considered the implications for employees, students, and campus visitors, as well as included representatives from student life, student leadership and many other areas of the university.

The complete report that follows this Executive Summary contains the detailed work from the 13 sub-committees formed to assess their respective operations and determine what changes, if any, were most appropriate. Recognizing the work would require an aggressive timeline to allow for implementation before September; the groups worked collaboratively and met collectively to discuss their ongoing progress.

In summary, while the possession and use of recreational cannabis is decriminalized in New Jersey, cannabis remains a controlled dangerous substance (or Schedule 1 drug) and, therefore, illegal and subject to prosecution under federal law. Importantly for Rutgers, receipt of federal funds in the form of student loans, grants and research support, among other things, is conditioned on compliance with federal drug law. This includes the university's obligation to take measures to prevent the illicit use of drugs and abuse of alcohol on Rutgers property or at university events under the federal Drug-Free Schools and Communities Act.

Additionally, Section 47 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act specifically carves out institutions of higher education as one of the locations where cannabis remains prohibited:

“Consuming, including by smoking, vaping, or aerosolizing, any cannabis item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory,

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Enforcement Assistance, and Marketplace Modernization Act,” P.L., c. (C.) (pending before the Legislature as this bill), is prohibited in any area of any building of, on the grounds of, or in any facility owned, leased, or controlled by, any public or private institution of higher education or a related entity thereof, regardless of whether the area or facility is an indoor place or is outdoors.”

Accordingly, like alcohol, tobacco and other controlled substances that may be permissible under state law but are restricted by Rutgers policies, Rutgers will not permit the possession, use, manufacture, cultivation, dissemination, or storage of recreational or medicinal cannabis on university property. As a higher education institution, property owner, and recipient of federal funds, Rutgers has not only the authority, but the legal obligation to prohibit cannabis on-campus and at university events.

The following represents a brief summary of the task force recommendations that are discussed in greater detail in the subcommittee reports.

1. Several university policies will be revised to further clarify the university’s position on the possession and use of recreational cannabis.

The policies will be revised by the respective working group and reviewed by the responsible executive as indicated in the policy. Policy revisions will be submitted to the Office of the Secretary by August 1 for inclusion in the university’s policy library. The task force project manager shall be included on the submission emails to ensure that these recommendations have been completed.

- a. Policy 10.2.11 *University Code of Student Conduct* †
- b. Policy 10.2.14 *Alcohol and Other Drugs Policy (for Students)* †
- c. Policy 20.1.22 *No Smoking Policy* †
- d. Policy 30.1.12 *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime and Statistics Act* †
- e. Policy 60.1.11 *Alcohol and Other Drugs Policy* †
- f. Policy 60.9.55 *Employees with Impairments* ‡
- g. Policy 80.1.2 *Rutgers University Trademark Management and Licensing* †
- h. Policy 80.1.4 *Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials* †
- i. Athletics *Drug Testing Policy* *

† Consider policy revisions to explicitly include recreational cannabis.

‡ While the current policy appears sufficient to address impairment issues caused by cannabis, during its normal, periodic policy review process, the university should consider whether enhancements to include medical cannabis and/or recreational cannabis would improve comprehension and completeness.

* The Rutgers Athletics 2021 review of its drug testing policy will focus on the newly adopted laws decriminalizing the use of cannabis to examine what we test for, what we penalize

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students for, and how often we test student-athletes via our random testing as well as follow-up testing.

2. The following university policies have been reviewed and do not require any modifications:

- a. Policy 30.1.2 *Police and Security Services*
- b. Policy 30.1.9 *Protection of Minors*
- c. Policy 40.3.1 *Risk Management and Insurance Policies*
- d. Policy 60.1.30 *Background Checks for Candidates for Staff and Faculty Positions**
- e. Policy 60.4.2 *Code of Ethics for Administrative and Professional Staff Members*
- f. Policy 80.1.1 *Permission for External Companies to Film, Videotape, and Photograph at Rutgers*
- g. 80.1.3 *Purchase of External Advertising*
- h. 80.1.5 *University Visual Identity*
- i. 80.1.6 *Communications and Relations with the News Media*
- j. 80.1.7 *Rutgers University Website Policy*
- k. Policy 10.2.12 *Safety Intervention Policy*
- l. Policy 100.2.10 *Reporting Compliance and Ethics Concerns*
- m. Athletics *Tailgate Policies*

* UHR will review and evaluate potentially adverse information contained in background check reports since there may be a delay in the removal of cannabis-related convictions in the databases used by third-party background check vendors.

3. Merge University Policy 60.1.11 “Alcohol and Other Drugs Policy” and University Policy 60.9.55 “Employees with Impairments.”

The merger will create consistency in compliance and enforcement, as well as alignment between all Legacy Rutgers and RBHS departments and schools since the university can likely expect an increase in the number of impairment incidents that occur as the recreational use of cannabis increases due to its decriminalization. It is important to note that, depending on the nature of the changes that are made as a result of merging the policies, negotiations with our unions may be necessary in order to implement a revised policy. Occupational Health should be included in this policy revision as it pertains to impairment evaluations.

4. Determine appropriate disciplinary action against employees who violate policies 60.1.11 and 60.9.55.

It is recommended that a zero tolerance approach continue and that disciplinary action be taken against employees for policy violations; however, the university must decide what impact, if any, the decriminalization of cannabis will have on the level of discipline taken (i.e. hardline approach in support of termination vs. lesser levels of discipline like reprimands, suspensions and demotions).

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5. Determine appropriate student sanctions for cannabis possession and use.

Student Affairs will work with student conduct and health promotions staff on educational sanction changes and educational programs. The decriminalization of cannabis means that cannabis possession and use are on the same level as alcohol possession and use. Currently, sanctions for cannabis possession are more severe than those for alcohol possession (probation is issued instead of a reprimand). Educational sanctions need to be adjusted to be educational but less punitive. Sanctions for cannabis will be equivalent to sanctions for alcohol.

6. Increase training, education and support services.

Student Health reports that they will emphasize “education related to the effects of cannabis use on the body, types of use (including the dangers of edibles), side effects, university policies and how they differ from New Jersey State law, and AOD support services available on campus. A series of cannabis education assets have been developed with more slated for creation and will be shared with other working groups upon request.”

The Rutgers Police Department and Student Affairs have highlighted on-going education as one of the components of their memorandum of understanding and will begin outreach activities during new student orientation sessions this summer in advance of the Fall semester. The RUPD participates in a “Justice League” panel discussion at new student orientations and will incorporate information regarding the prohibition of cannabis on-campus to their presentation materials.

Additionally, UHR recommended partnering with various departments to assist with training and education, such as working in tandem with Occupational Health to educate and train supervisors in addressing situations where an employee may be impaired in the workplace.

Occupational Health suggested that consideration be given to increase Faculty and Staff Assistance Program counseling resources for Rutgers employees who are abusing cannabis, alcohol, or other drugs.

7. Execute Memorandum of Understanding between Student Affairs and Rutgers Police Department.

This MOU outlines the revised response protocols for odor of cannabis complaints within residence halls and all other university owned or controlled buildings. It also includes new procedures for sharing information regarding recreational cannabis use warnings issued with the Student Conduct Offices and an agreement to collaborate on educational outreach efforts.

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8. Conduct a survey of faculty to establish interest in cannabis research topics.

This will help the university determine sources of funding including state, federal and research foundations as appropriate, as well as the need for university-wide site license/waiver to conduct cannabis-related research.

9. Maintain Fitness for Duty and Impairment Evaluation Practices.

It is recommended that the university treat cannabis use similarly to the way we evaluate alcohol use in employees, in that it is legal, but employees must not be impaired at work. At the request of the an employee's supervisor or Labor Relations, employees exhibiting signs or symptoms consistent with drug or alcohol use, as described in Policy 60.1.11, will be evaluated for impairment by Occupational Health. For-cause or reasonable suspicion, drug testing for cannabis will only be done for specific employee populations below, as described in various federal and state regulations, facility licensure requirements, and accreditation needs:

- a. Commercial Motor Vehicle Drivers
- b. United States Coast Guard Vessel Crewmembers
- c. Sworn Police Officers
- d. Alcohol and Drug Abuse Counselors in Student Health and UBHC
- e. Rutgers Center for Adult Autism Services Staff

10. Modify current reporting of cannabis-related incidents through the University Compliance Hotline.

Recommend immediate changes to the communication protocol related to incidents involving cannabis to emphasize the impact of the new law to relevant personnel and to help them monitor trends.

11. Increased communication regarding the new law and university impacts.

Faculty and staff need to be reminded of the policies and of the potential impact that their personal actions (i.e., their legal recreational use of cannabis) may have on their employment. Additional information (beyond the university wide communications to be developed) should be provided to employees/students in program areas where off-campus recreational use of cannabis may impact employment and/or academics. This should be completed as soon as possible or in conjunction with the timeline established with other communication.

Student leaders have indicated that students need to understand the differences between state and federal laws and how that impacts their use of cannabis on- and off-campus.

It was recommended by Student Affairs that the university use the word "cannabis" in communications to the Rutgers community to avoid possible negative connotations that some constituents have reported about the term "marijuana."

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A comprehensive communications plan has been outlined by the Communications and External Affairs Working Groups in their subcommittee report. This work will begin in July pending the approval of the Task Force Report and recommendations. The communications plan includes draft messaging, key target audiences, and phased-in milestones.

In addition to the recommendations outlined above, the Task Force highlighted a few concerns with regard to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Below is a brief summary of those concerns:

1. Student sanction concerns.

Given the unique COVID circumstances in which recreational cannabis use has been legalized, there are significant concerns about an increase in policy violations when students return to campus. Students arriving on Rutgers campuses will have had limited opportunities to socialize for 18 months and now are in the college environment. We anticipate a significant increase in alcohol and other drugs use, including, but not limited to, alcohol and cannabis use. Increases in sanctions are anticipated. This increase will test the capacity of the Student Health and Wellness units responsible for providing mandated educational and intervention sessions efficiently.

2. New Jersey conflicts of interest law (NJ.S.A. 52:13D-12, et seq.) considerations.

Law prohibits State employees and their family members from directly or indirectly owning or controlling more than 1% of the stock or profits of a New Jersey entity involved in the cultivation, manufacture, or dispensing of medical cannabis, except under certain narrow circumstances or when an explicit exemption has been granted by the State. The working group notes that indirect ownership through mutual funds managed under various retirement programs is unlikely to result in individual ownership or control of 1% or more of the stock in such an entity, however, direct ownership of or investment in such an entity could easily exceed the 1% threshold. The working group recommends a detailed review be conducted by the university's Ethics Liaison Officer in order to develop and deploy training and communication related to this prohibition as part of the university's State-mandated ethics training.

3. Background check clearances for safety sensitive positions (Select Agents and Increased Controls).

Individuals must receive FBI background check and clearance for these positions. Individuals with restricted access (due to cannabis or other drug use convictions out of state) may be referred to UHR and Academic Affairs, as necessary, for recourse to address potential employment/academic issues.

4. Considerations for employees and students representing Rutgers while at other facilities.

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To the extent that a partner's policies are more restrictive than Rutgers policies related to the use of recreational and medical cannabis, Rutgers students and employees shall adhere to the partner's policies. In all other situations, Rutgers existing policies and procedures adequately address the limitations of the use of recreational and medical cannabis and will be applicable.

In light of the recent changes in state law, the Cannabis Decriminalization Impact Task Force has prepared this report for your review and consideration. We believe that there is a need to support and implement these recommendations early in the new fiscal year to provide sufficient time for execution of new policies and procedures and appropriate communications to the university community over the summer to minimize confusion as we begin to repopulate our on-campus community.



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**TASK FORCE
MEMBERS**

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TASK FORCE MEMBERS

Working Group	Members
Chair	<p>Antonio Calcado Executive Vice President for Strategic Planning and Operations and Chief Operating Officer Institutional Planning and Operations</p>
Task Force Project Manager	<p>Melissa Marrero Director of Public Relations, Marketing and Communications</p>
Legal	<p>Elizabeth Minott Senior Associate General Counsel</p>
Human Resources	<p>Vivian Fernández Senior Vice President for Human Resources</p> <p>Paula Mercado Hak Assistant Vice President for Academic Labor Relations</p> <p>Alexandra Wonjtenko-Dunn Labor Relations Specialist</p>
Public Safety	<p>Kenneth Cop Executive Director of Public Safety / Chief of University Police</p> <p>Michael Rein Deputy Chief of University Police</p> <p>Richard Dinan Chief of Campus Police, RUPD-Camden</p> <p>Carmelo Huertas Chief of Campus Police, RUPD-Newark</p> <p>Melissa Marrero Director of Public Relations, Marketing and Communications</p>
University Ethics & Compliance	<p>Mark H. Einstein, MD, MS Professor and Chair, Department of OB/GYN & Women's Health</p> <p>Timothy J Fournier, EdD, MBA Senior Vice President for Enterprise Risk</p> <p>Vicente Gracias, MD, FACS, FCCP, FCCM Senior Vice Chancellor for Clinical Affairs and President, Rutgers Health Group</p> <p>Jon Oliver, PhD Assistant Dean for Information Technology, SCI and Chair, University Senate</p>

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Athletics	<p>Patrick Hobbs Director, Intercollegiate Athletics-New Brunswick</p> <p>Mark Griffin Director of Athletics-Newark</p> <p>Jeff Dean Athletics Director-Camden</p>
Student Health	<p>Melodee Lasky, MD Assistant Vice Chancellor for Health & Wellness</p> <p>Francesca Maresca, PhD, CHES Director, Health Outreach, Promotion & Education Rutgers Student Health</p>
Occupational Health	<p>Milind Shah Director of Occupational Health, Rutgers University</p> <p>Shirin Hastings Director of Employee Health, RWJMS</p> <p>Julie Caruth Assistant Professor, EOHSI</p> <p>Iris Udasin Director of Employee Health, EOHSI</p> <p>Sheryl Bedno Director of Occupational Medicine Service, NJMS</p>
Rutgers Environmental Health & Safety	<p>Mark McLane Executive Director, REHS</p>
Research	<p>Vincent Smeraglia Executive Director, OTTBD</p>
Office of Equity	<p>Joan Collier Director, Office of Equity</p>
Communications and External Affairs	<p>Peter McDonough Senior Vice President External Affairs</p> <p>Kimberly Manning Vice President University Communications and Marketing</p> <p>Peter Englot Senior Vice Chancellor</p> <p>Michael Sepanic Vice Chancellor</p>

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	<p>Jennifer Hollingshead Vice Chancellor</p> <p>Elizabeth Crann Director Communications and Marketing</p>
Student Affairs	<p>Salvador Mena Vice Chancellor, Student Affairs</p> <p>Anne Newman Associate Vice Chancellor, Student Affairs</p> <p>Corlisse Thomas Senior Vice Chancellor, Student Affairs</p> <p>Charnette Hockaday, JD Assistant Dean and Director Community Standards & Student Development</p> <p>Allison Wisniewski Associate Dean II</p> <p>Erica Williams Dean of Students</p>
Student Leaders	<p>Nitan Shanas Student Governing Association President, Camden</p> <p>Nicholas LaBelle RUSA President, New Brunswick</p> <p>Dylan Terpstra Student Body President, Newark</p>
Chancellor Representatives	<p>Felicia McGinty Executive Vice Chancellor</p> <p>Mike Sepanic Vice Chancellor</p> <p>Peter Englot Senior Vice Chancellor</p> <p>Steve Andreassen Vice Chancellor / Chief of Staff</p>



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**TASK FORCE
OVERVIEW AND
WORKING GROUP
SUMMARIES**

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OVERVIEW

The work of the Rutgers Cannabis Decriminalization Impact Task Force began on March 29, 2021, to determine the myriad ways in which the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act would affect university day-to-day operations. Thirteen sub-committees were formed to assess their respective operations and determine what changes, if any, were most appropriate to address foreseeable challenges and minimize confusion at the university. The following Working Groups collaborated to provide this report and the detailed recommendations herein:

- Office of General Counsel (Legal)
- University Human Resources
- Public Safety
- University Ethics and Compliance (including membership from University Senate)
- Athletics
- Student Health
- Occupational Health
- Rutgers Environmental Health and Safety
- Research
- Office of Equity
- Communications and External Affairs
- Student Affairs
- Student Leaders

The following projected timeline was established for the work of the Task Force:

- **3/11/2021:** Task Force Member Invitations Sent
- **3/29/2021:** Kickoff Meeting
- **4/12/2021:** Progress Report Meeting
- **4/26/2021:** Progress Report Meeting
- **5/10/2021:** Working Group Summary Reports Due
- **5/24/2021:** Draft Report Distributed to Task Force Members for Review
- **6/7/2021:** Feedback Due
- **6/21/2021:** Final Review
- **7/1/2021:** Task Force Report Submitted to President Holloway

The next several pages contain the summary reports from each Working Group with their findings and recommendations for consideration.

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**OFFICE OF GENERAL COUNSEL (LEGAL)
WORKING GROUP REPORT**

The Legal working group was tasked with evaluating and making recommendations related to (1) policy decisions for legality, (2) impacts and intersection of federal and state laws, (3) drug testing for safety sensitive positions, and (4) employment matters relative to prior convictions and expungements. The working group collaborated with several other sub-committees to review information and provide guidance. Below is a summary of the findings and recommendations of the working group.

We looked at various ways in which the decriminalization of cannabis might change some of the legal obligations of the university. While New Jersey has decriminalized cannabis and has instituted a state-wide program allowing people with certain enumerated medical conditions to legally obtain medicinal cannabis, the federal laws concerning cannabis have not changed. Under the Controlled Substance Act, cannabis is still categorized as a Schedule One Drug, which is defined as a drug with no current medical use and that has a high potential for abuse and addiction. This split between state and federal law restricts the ability of the university to liberalize its policies regarding cannabis in accordance with state law without falling afoul of federal law.

The Drug Free Campus and Community Act requires all institutions of higher education to develop and implement drug and alcohol abuse prevention programs. Failure to comply can result in considerable fines. There is a biannual requirement to file a report with the federal government and an annual requirement to notify students and employees of relevant policies and resources available regarding substance abuse. The change in New Jersey law will not affect the university's compliance requirements under this Act.

The Drug Free Workplace Act is a federal act that requires all federal contractors and grantees to agree to maintain drug-free workplaces as a condition of receiving federal contracts or grants. This means that if the university liberalizes its policies regarding use of cannabis in the workplace it could put our federal grant funding at risk. Since federal law, as mentioned above, considers cannabis to have no current medical use, the drug free workplace restrictions would apply to medical cannabis as well as recreational cannabis.

In December of last year, the House passed legislation to remove cannabis from the list of Schedule One drugs. If such legislation were enacted it would have significant implications for universities, especially with regard to what would be permissible in the research area, but our DC office is not optimistic about the ultimate success of the legislation.

We looked at practices at other universities in state that have decriminalized cannabis and they confirm our conclusion that since there has been no change to federal policy, there is no change to the university's obligations to comply with federal restrictions regarding cannabis.

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In sum, the change in state law does not change much for the university in light of the unchanged federal law. There may be implications as to the level of discipline imposed on drug violations by students and/or employees since the violation now may not be an illegal act in addition to violation of policy. HR and Student Affairs are considering these issues.

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UNIVERSITY HUMAN RESOURCES WORKING GROUP REPORT

The University Human Resources working group was tasked with evaluating and making recommendations related to (1) background checks, (2) previous convictions, (3) mandatory drug screening, (4) “lag” effect from recreational use, (5) employee and academic labor relations impacts, (6) bargaining unit leader communications, (7) impact on CDL positions, (8) policy review including 20.1.6 Vehicle Usage and 60.1.11 Alcohol and Other Drugs Policy, and (9) disciplinary referrals (reported violations of policy). The working group collaborated with several other sub-committees to review information and provide guidance. Below is a summary of the findings and recommendations.

I. Background Checks

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”), signed into law on February 22, 2021, decriminalized state cannabis-related offenses and served to vacate prior guilty verdicts and pleas by operation of law. Consequently, a review of University Policy 60.1.30 (“Background Checks for Candidates for Staff and Faculty Positions”) was conducted to determine if any revisions are needed. While the policy outlines the procedure for evaluating potentially adverse information that may be revealed in a background check report (i.e., use of the factors set forth in the Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records Employment Decisions under Title VII of the Civil Rights Act of 1964), the policy does not specify the nature of what prior convictions, if any, will serve to disqualify an applicant from employment. Therefore, since cannabis-related offenses are not mentioned specifically in the policy, no revisions of the policy are needed; however, attention must be given internally in UHR to the review and evaluation of potentially adverse information contained in background check reports since the vacating of NJ guilty verdicts and pleas for cannabis-related offenses is by operation of law, and there may be a lag time in the removal of those convictions in the databases that are used by the third-party background check vendors resulting in prior cannabis-related convictions continuing to appear on the background check reports.

II. Other Policy Review

CREAMMA allows employers to maintain and enforce drug-free workplace policies that prohibit the use, possession of, and being under the influence of cannabis in the workplace and during work hours. Additionally, employers may take adverse action against employees who engage in that prohibited conduct. Moreover, CREAMMA is a NJ state law, and the university is still subject to numerous federal laws which continue to prohibit the use and possession of cannabis on Rutgers campuses and while performing safety-sensitive positions, such as those that require a CDL. With these factors in mind, a review of University Policy 60.1.11 (“Alcohol and Other Drugs Policy”) and University Policy

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60.9.55 (“Employees with Impairments”) was conducted, and a determination was made that no revisions are required to the current policies; however, it is recommended that the two policies be merged, if possible, in order to create consistency in compliance and enforcement, as well as alignment between all Legacy Rutgers and RBHS departments and schools since the university can likely expect an increase in the number of impairment incidents that occur as the recreational use of cannabis increases due to its decriminalization. We will continue to work with the other Working Groups, including Occupational Health, to further discuss the merging of these policies. It is important to note that, depending on the nature of the changes that are made as a result of merging the policies, negotiations with our unions may be necessary in order to implement a revised policy.

III. Discipline

The university currently takes disciplinary action against employees who are found to be in violation of University Policy 60.1.11 and University Policy 60.9.55, as provided for in those policies. Through discussions in the UHR Working Group and amongst the other Working Groups in the Task Force, we recommend that a zero tolerance approach continue and that discipline action be taken against employees for policy violations; however, the university must decide what impact, if any, the decriminalization of cannabis will have on the level of discipline taken: will the university take a hardline approach and support termination for policy violations or will the university support lesser levels of discipline (e.g., reprimands, suspensions, demotions)? The decriminalization of cannabis will likely lead to an increase in recreational cannabis use which may lead to an increase in workplace incidents that could result in discipline for policy violations (i.e., employees coming to work impaired, testing positive if undergoing necessary drug testing). Therefore, we must be prepared for these actions to be taken more frequently. While each instance of a policy violation will still be evaluated and handled on a case-by-case basis, for consistency and equity, the university must decide what disciplinary approach it supports.

IV. Training and Education

Since the use and possession of cannabis, including medical cannabis, will continue to be prohibited on campus due to provisions in the Drug-Free Schools and Communities Act, as well as the Drug-Free Workplace Act of 1988, and many of the relevant policies will remain unchanged despite the passing of CREAMMA, communication of these continued prohibitions to the university community is essential. Staff and faculty need to be reminded of the policies and of the potential impact that their personal actions (i.e., their legal recreational use of cannabis) may have on their employment. Additionally, we recommend partnering with various departments to assist with training and education, such as working in tandem with Occupational Health to educate and train supervisors in addressing situations where an employee may be impaired in the workplace.

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PUBLIC SAFETY
WORKING GROUP REPORT

The Public Safety working group was tasked with evaluating and making recommendations related to (1) response protocols for police, (2) warning system, (3) update to annual security report (Clery), (4) training for department personnel, and (5) procedures for disposal of cannabis. Below is a summary of the findings and recommendations.

Following the decriminalization of cannabis legislation passed in New Jersey, Public Safety initiated a bench marking process using comparators across the Big Ten and other higher education institutions within New Jersey. The survey released garnered ten responses and the data revealed the following:

1. 60% had either a multi-disciplinary response or student affairs only response for calls involving odor of cannabis.
2. 90% used a public safety response to address issues of cannabis within academic buildings or outside of buildings on university property.
3. 100% of respondents managed any destruction of cannabis found on university property through either campus public safety or through the local police department.

Multiple meetings were held with various Student Affairs representatives from each of the campuses along with representation from the Office of General Counsel and Public Safety to include the Campus Police Chiefs. A draft memorandum of understanding (MOU) was completed and distributed amongst the group. The MOU addressed response protocols for odor of cannabis calls within residence halls, academic buildings and on university grounds outside of a building. In sum, resident advisors will manage cannabis possession for those who possess 6 ounces or less similarly to how they manage underage possession of alcohol. Cannabis will be turned over to residence life staff and picked up by the Rutgers Police Department for documentation and destruction. Any Rutgers Police Department / student encounter involving the issuance of a warning notice or other violations of NJ cannabis laws will initiate a summary report to the appropriate Office of Student Conduct. Our agreed upon process was vetted through the zone assistant prosecutor and approved.

The Rutgers University Clery Compliance Working Group was convened to share information regarding the change in state law and how it impacts the university's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Lastly, RUPD officers received training on the new cannabis legislation and will be updated on the response protocols regarding the odor of cannabis and suspicion of possession of cannabis on-campus. The RUPD provided input into the university's Drug and Alcohol policy as well. Education on the decriminalization of cannabis and the continued prohibition of cannabis on

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educational property will be an educational focus for students during training sessions given by the RUPD and Student Affairs.

A copy of the draft MOU between Student Affairs and the Rutgers University Police Department is attached. This version has been shared with the appropriate Student Affairs representatives for review and execution.

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE RUTGERS UNIVERSITY
POLICE DEPARTMENT AND RUTGERS DIVISION OF STUDENT AFFAIRS**

THIS Memorandum of Understanding (hereinafter MOU) is made and entered into as of this ___ day of May, 2021 by and between the Rutgers University Police Department (hereinafter “Rutgers Police” or “RUPD”) and the Rutgers Division of Student Affairs (hereinafter “Student Affairs” or “Residence Life”).

OVERVIEW

On February 22, 2021, NJ Governor Murphy enacted the “NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, which immediately decriminalized the possession (up to six ounces) and recreational use of regulated cannabis (marijuana) and hashish for individuals 21 years of age and over, in the state of New Jersey. This legislation also reduced several penalties which had been previously associated with the underage possession or use of cannabis. These changes followed the overwhelming voter approval of a referendum to authorize the sale of recreational cannabis to adults, under a regulated marketplace which is expected to commence later this year. That notwithstanding, cannabis remains illegal as a schedule I controlled dangerous substance under the federal Controlled Substance Act.

WHEREAS, the university has determined that due to requirements as a recipient of federal funds, the possession, use, manufacture, cultivation, dissemination, and storage of recreational or medicinal cannabis in any form, is prohibited on-campus inclusive of those properties owned or controlled by the university (for the purposes of this MOU the term “Residence Hall” shall include any student housing facility that is owned or controlled by Rutgers, or is located on property that is owned or controlled by Rutgers, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility);

WHEREAS, section 47 of the Act affirms *“consuming, including by smoking, vaping, or aerosolizing, any cannabis item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L. , c. (C.), is prohibited in any area of any building of, on the grounds of, or in any facility owned, leased, or controlled by, any public or private institution of higher education or a related entity thereof, regardless of whether the area or facility is an indoor place or is outdoors”*;

WHEREAS, it is to the mutual advantage and benefit of the Rutgers Police and Student Affairs to work in collaboration to address foreseeable challenges involving the possession and use of cannabis;

WHEREAS, The New Jersey Attorney General has the authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice throughout the State of New Jersey and has issued guidance regarding law enforcement interactions with respect to

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instances involving regulated cannabis, marijuana and hashish, including but not limited to a system for the issuance of warnings where a person under the age of 21 is involved;

THEREFORE, in furtherance of the joint missions of the RUPD and the Rutgers Division of Student Affairs, the parties hereby understand and agree as follows:

- 1) The Rutgers Police will not respond to those instances dealing exclusively with a reported “odor” of cannabis within a university owned or controlled Residence Hall with the exception of instances which involve:
 - a. The need for assistance with dispersing a crowd; or
 - b. A complication or confrontation between the students and Student Affairs staff; or
 - c. Any other reported instance which would initiate a police response, independent of the odor or cannabis; or
 - d. There exists or is believed to exist the need for medical assistance for involved persons.

The Rutgers Police shall respond to all instances where in the opinion of the Student Affairs staff there is a need for police attendance; notwithstanding section 1 above.

- 2) Rutgers Police shall be called and shall respond to seize marijuana or cannabis found unattended in a common area within a Residence Hall and will dispose of it in accordance with its departmental procedures.
- 3) Rutgers Police shall be called and shall respond when marijuana or cannabis exists in an amount estimated to be over 6 oz. is found in “plain sight” during an interaction between Student Affairs staff and students inside the Residence Hall.
- 4) For instances where marijuana or cannabis in an amount estimated to be less than 6 oz. is found in “plain sight” during an interaction between Student Affairs staff and students inside the residence hall, the marijuana or cannabis will be confiscated by Residence Life Professional Staff and the incident will be documented by Residence Life Staff for referral to the Student Conduct Office for review and potential disciplinary action. Residence Life Professional Staff will contact RUPD to retrieve and dispose of the confiscated cannabis once the incident has been documented and staff have left the resident’s room/apartment.
- 5) As a law enforcement agency under the supervision of the New Jersey Attorney General, the Rutgers Police will investigate and provide warnings for law violations when persons are under 21 years old and possess less than 6 oz. of cannabis.
- 6) Warnings issued by Rutgers Police for police interactions related to cannabis are deemed confidential information and cannot be shared with the Student Conduct Offices; a summary report, however, will be provided by the Detective Bureau Commander or designee to the appropriate Student Conduct Office when a warning is issued.

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- 7) Notwithstanding section 1 above, the Rutgers Police shall be called and shall respond to investigate complaints relating to cannabis on all other university owned or controlled buildings, adjacent and contiguous public property, and properties owned or controlled by Rutgers University.
- 8) The Rutgers Police and Student Affairs agree to collaborate and make educational outreach efforts a priority at orientations and throughout the year with regard to the prohibition of cannabis possession and use on-campus.
- 9) MOU MODIFICATIONS: No change, modification, or amendment of this MOU shall be valid unless the same shall be in writing, and signed by both parties hereto. Any changes in scope, whether initiated by the RUPD or Student Affairs shall be negotiated in good faith and formally incorporated into this MOU prior to the commencement of any additional activity there-under.
- 10) COLLABORATION & INSTITUTIONAL COOPERATION: The parties expressly agree that they will work together in a cooperative, effective and efficient manner to promptly resolve any operational issues arising under this MOU in a timely manner. In furtherance of this stated goal, each party further agrees to designate a “member” to serve as a liaison under this MOU. Each liaison will be the designated point person for the handling of any and all issues, complaints, concerns or inquiries from the respective constituencies. Each such liaison will be also responsible for promptly and accurately communicating such issues, complaints, concerns, or inquiries to the designated liaison for the other party, and for any follow-up that is required until a resolution is achieved. In order to fulfill the overarching collaborative and cooperative goals of this agreement, the parties agree to convene as follows:
 - a. During the first year of this MOU, the Rutgers Police and Student affairs shall convene no less than quarterly; and
 - b. In succeeding years, the parties shall convene annually.
- 11) CLERY ACT COMPLIANCE: As designated a Campus Security Authority (CSA), pursuant to the Clery Act, Student Affairs shall continue to report drug law violations to University Public Safety in accordance with the operational requirements of the Clery Act.
- 12) SIGNATURES: By executing this MOU, the RUPD and Student Affairs acknowledge this MOU, the terms and conditions hereof, constitute the final, complete and exclusive understanding between the parties with respect to the subject matter of this agreement, and supersede all prior and contemporaneous agreements and understandings, inducements or conditions, expressed or implied, oral or written.

IN WITNESS WHEREOF, the undersigned have set their hands and seals the day and year written below.

RUTGERS UNIVERSITY POLICE

RUTGERS STUDENT AFFAIRS

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Kenneth B. Cop
Executive Director of Public Safety /
Chief of University Police

Dated: _____

Salvador Mena
Vice Chancellor
Student Affairs, New Brunswick

Dated: _____

Carmelo Huertas
Chief of Police
Rutgers Police-Newark Division

Dated: _____

Corlisse Thomas
Vice Chancellor
Student Affairs, Newark

Dated: _____

Richard Dinan
Chief of Police
Rutgers Police-Camden Division

Dated: _____

Mary Beth Daisey
Vice Chancellor
Student Affairs, Camden

Dated: _____

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UNIVERSITY ETHICS AND COMPLIANCE WORKING GROUP REPORT

The Ethics and Compliance working group was tasked with evaluating and making recommendations related to (1) public health and administrative questions and (2) ensuring appropriate communication and response for incidents at Rutgers involving the use of recreational cannabis. Specifically, the working group discussed the extent to which existing Rutgers policies and procedures appropriately address incidents involving cannabis use by students and employees, adequately guide faculty and staff when working with non-Rutgers partners, anticipate accommodations requests from students and employees, and provide guidance for communicating cannabis-related incidents to appropriate Rutgers supervisory personnel.

Summary of Observations and Recommendations

During its review of relevant policies and procedures related to the use of cannabis, both recreational and medical cannabis, the Ethics and Compliance working group considered a variety of questions, including:

- Evaluating impairment related to the use of cannabis
- Considerations for students and employees while working on behalf of or representing Rutgers at other non-Rutgers facilities
- Reviewing and approving accommodations requests related to the use of medical cannabis
- Personnel who reasonably should be informed of incidents reported using the university's central incident reporting "hotline"
- Other considerations under the New Jersey conflict of interest law and ethics guidelines

This section of our report summarizes the working groups analysis and recommendations related to each of these issues.

1. "Impairment Testing" for Suspected Cannabis-Related Impairment

The working group finds that the university's current processes for impairment testing appear to be sufficiently robust to assess cannabis-related impairment. Depending on the specific circumstances of the university's current incidents of suspected impairment, the units conducting impairment testing may include Rutgers University Police Department, Occupational Health, hospital emergency departments, and resident assistants in student housing facilities. Although it appears that most such incidents currently relate to the use of alcohol, these units to varying degrees are also able to assess impairment for other substance use, including cannabis.

Specifically with respect to the use of recreational cannabis, the working group recommends that training to help assess cannabis-related impairment be added to current training for

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substance use for these groups that perform impairment testing, as appropriate, and potentially make available to others throughout the university. The working group recommends that this expanded audience include personnel such as employee supervisors and faculty with the expectation that if those additional personnel suspect impairment, they would refer the individual to be evaluated by qualified personnel (e.g., RUPD, Occupational Health), similar to how many alcohol- and substance-related incidents are currently evaluated.

2. Considerations for Employees and Students Representing Rutgers while at Other Facilities

The working group's primary consideration for this issue relates to RBHS and other faculty who work on behalf of Rutgers at outside hospitals or other institutions, although the principle applies equally to students and other employees working elsewhere on behalf of Rutgers. Our assessment relies heavily on the fact that Rutgers policies and procedures apply to our students and employees whenever they are representing Rutgers, not just when present at Rutgers facilities. With that in mind, it is also important to remember that many of our agreements with clinical partners and other institutions expect that Rutgers personnel adhere to the partners' policies as well.

As a result, we have determined that to the extent that a partner's policies are *more restrictive* than Rutgers policies related to the use of recreational and medical cannabis, Rutgers students and employees shall adhere to the partner's policies. In all other situations, Rutgers existing policies and procedures adequately address the limitations of the use of recreational and medical cannabis and will be applicable.

3. Accommodations Requests Related to the Use of Medical Cannabis

The working group considered the use of medical cannabis by students and employees to address diagnosed health concerns. Reasonable examples we considered included students who might be prescribed cannabis to help control seizures and employees who utilize cannabis to manage cancer-related pain. One consideration related to the creation of a special exemption review committee to evaluate all requests for the use of medical cannabis by students and employees.

The working group finds that existing procedures for requesting and being granted accommodations are adequate and appropriate. Students seeking accommodations are already able to make those requests through the student health service and/or office of disability services associated with their campus. Faculty and staff make accommodations request through the Office of Employment Equity in University Human Resources. The working group sees no reason to recommend any changes to current practices other than to prepare staff working in those areas through adequate training and awareness to the medically approved uses of cannabis.

4. Reporting of Cannabis-Related Incidents through the University Hotline

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The university's hotline system (833-RU-ETHICS; <https://uec.rutgers.edu/compliance-hotline/>) allows users to report, anonymously or not, incidents of all types for review and follow up by the university. Most reported incidents are referred to the responsible Rutgers unit to be addressed. The office of University Ethics and Compliance (UEC) manages the university hotline, informing appropriate individuals of incidents to improve management's awareness of trends and patterns in various behaviors.

The working group has reviewed the procedures used by UEC to inform relevant personnel of incidents related to the use of alcohol and other substances and recommends some immediate changes to the communication protocol related to incidents involving cannabis. Because New Jersey's recreational cannabis law is new, the working group suggests these changes to emphasize the impact of the new law to relevant personnel and to help them monitor trends.

Figure 1 illustrates the proposed communication protocol. Individuals or units shown in red text indicate new communication recipients who would be part of the cannabis-related communication protocol but who are not part of the existing protocol for incidents involving alcohol. It is important to note that if a hotline complaint identifies potential *criminal* activity of any type, UEC informs RUPD of the complaint.

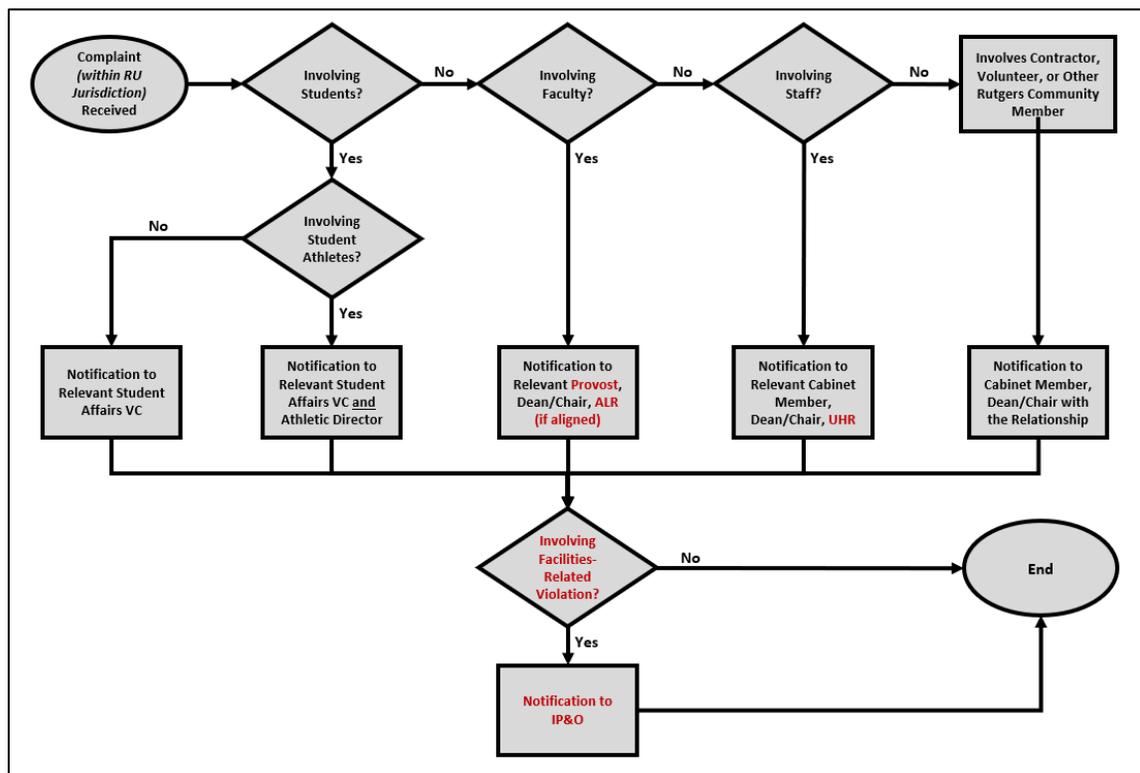


Figure 1: Proposed Communication Protocol for Cannabis-Related Hotline Incidents

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5. Other Considerations under the New Jersey Conflict of Interest Law

The New Jersey conflicts of interest law (NJ.S.A. 52:13D-12, *et seq.*) prohibits State employees and their family members from directly or indirectly owning or controlling more than 1% of the stock or profits of a New Jersey entity involved in the cultivation, manufacture, or dispensing of medical cannabis, except under certain narrow circumstances or when an explicit exemption has been granted by the State. The working group notes that indirect ownership through mutual funds managed under various retirement programs is unlikely to result in individual ownership or control of 1% or more of the stock in such an entity, however, direct ownership of or investment in such an entity could easily exceed the 1% threshold. The working group recommends a detailed review be conducted by the university's Ethics Liaison Officer in order to develop and deploy training and communication related to this prohibition as part of the university's State-mandated ethics training.

It is also important to recognize that while the State's current prohibition extends only to entities involved in medical cannabis, it is likely that the State's legislative branch may revise the conflict of interest law with respect to holding financial interests in entities involved in recreational cannabis.

Policies Reviewed

The Ethics and Compliance working group reviewed and discussed relevant university policies to support our analysis, inform our recommendations, and evaluate the extent to which the university should consider policy revisions or enhancements in light of the legislative changes related to recreational cannabis. In general, the working group finds minimal need for policy changes.

Specifically, the working group suggests that the policies on alcohol and other drugs be enhanced to explicitly define and refer to recreational cannabis in the policy. In addition:

- Policy 10.2.11 *Code of Student Conduct*
- Policy 10.2.12 *Safety Intervention Policy*
- Policy 10.2.14 *Alcohol and Other Drugs Policy (for Students)*[†]
- Policy 20.1.22 *No Smoking Policy*[†]
- Policy 30.1.2 *Police and Security Services*
- Policy 30.1.9 *Protection of Minors*
- Policy 60.1.11 *Alcohol and Other Drugs Policy*[†]
- Policy 60.4.2 *Code of Ethics for Administrative and Professional Staff Members*
- Policy 60.9.55 *Employees with Impairments*[‡]
- Policy 100.2.10 *Reporting Compliance and Ethics Concerns*
- New Jersey Conflicts of Interest Law, NJ.S.A. 52:13D-12, *et seq.*

[†] Consider policy revisions to explicitly include recreational cannabis.

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‡ While the current policy appears sufficient to address impairment issues caused by cannabis, during its normal, periodic policy review process, the university should consider whether enhancements to include medical cannabis and/or recreational cannabis would improve comprehension and completeness.

ATHLETICS
WORKING GROUP REPORT

The Athletics working group was tasked with evaluating and making recommendations related to (1) NCAA and conference rules, (2) drug testing, (3) impact to athletic events on campus, and (4) the potential differences between D1, D2 and D3. Below is a summary of the findings and recommendations:

Rutgers University-New Brunswick

1. Tailgating Policy:

Current guidance on the athletic website refers to our tailgating policies as it relates to alcohol and smoking for any university facility. Per university regulations, smoking which includes vaping and cannabis is not permitted in any athletic facility.

In accordance with new state law and regulations that apply to cannabis and cannabis decriminalization, any changes to our current policies and guidelines would be under the purview of the Rutgers University Police Department.

Rutgers Athletics is committed to creating a comfortable and enjoyable experience for all our guests who attend our events.

2. Drug and Alcohol Policy:

Rutgers student-athletes are currently subject to NCAA and Rutgers Athletics drug testing policies.

Rutgers Athletics has a long-standing practice of drug testing student-athletes for purposes of proactively detecting drug use and providing care for those who abuse drugs. Student-athletes found in violation of Rutgers' drug testing policy participate in psychoeducation and counseling as determined by medical and mental health professionals.

In 2016, the Division of Intercollegiate Athletics made its first revision of the policy creating a system that treated cannabis with more leniency than all other drugs. Under the revised policy, a first violation relating to cannabis may or may not have resulted in a suspension and a student would be removed from their athletics team after a fifth violation of the policy. The policy also invoked a "good behavior" clause which allowed student-athletes to have a violation removed from their record after a year with no drug testing violations. Furthermore, violations involving drugs other than cannabis were treated more strictly both in suspension and number of allowable violations.

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In 2020, the policy was again amended. Relating to cannabis, the amended policy reflects a penalty only upon a third violation of the policy. Students receive psychoeducation and counseling on all violations of the policy and continue to have the ability to take advantage of the “good behavior” clause. A student would be dismissed from his or her team after incurring a fifth violation of the policy.

Rutgers Athletics annually assesses its drug testing policy. In 2021, this review will have a special focus through the lens of the newly adopted laws decriminalizing the use of cannabis. We will examine what we test for, what we penalize students for, and how often we test student-athletes via our random testing as well as follow-up testing.

The NCAA’s conducts drug testing throughout the year and at championship events. The program includes testing for cannabis at championship events only. The penalty for a first violation of the NCAA’s testing policy for cannabis use is a six-month suspension from competition. The second violation is a year suspension from competition.

Rutgers University-Camden and Rutgers University-Newark

No policies implicated or in need of revision.

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**STUDENT HEALTH
WORKING GROUP REPORT**

The Student Health working group was tasked with evaluating and making recommendations related to student health and wellness services as they relate to cannabis use and the new state law regarding recreational cannabis. Below is a summary of the findings and recommendations:

Applicable Policies

Section: 10.2.14

Policy Name: Alcohol and Other Drugs Policy for Students (this policy applies only to students)

Major Questions/Possible Solutions

The fundamental work of Student Health and Wellness is education, prevention and intervention. Neither clinicians nor health educators have a role in enforcement of rules/policies related to alcohol and other drug (AOD) use on campus. Instead, our role is to support students in making the best decisions related to use to decrease negative outcomes and increase positive behaviors.

How will the legalization of recreational cannabis change the work of Student Health and Wellness?

The fundamental work will not change. However, there will be an increased emphasis on education related to the effects of cannabis use on the body, types of use/side effects, university policies and how they differ from New Jersey State law, and AOD support services available on campus. A series of cannabis education assets have been developed with more slated for creation.

Student Health & Health Promotion Involvement in the Conduct Process

Currently, Student Health and Wellness units are involved in the Conduct Process at Camden, Newark and New Brunswick as a provider for sanctions (i.e., mandated sessions at health promotion or within counseling). Following is a brief description of each.

- **RBHS:** Wellness is not under Student Affairs and sanctions may be clinically derived and vary from school to school. Each school has an external contract for wellness services.
- **Newark:** Risk reduction/developmental stance. Counseling & Health Promotion work closely with housing/residence life. The Health Promotion Department (HPD) contributes preventive programming for risk reduction/developmental education and awareness from a preventive perspective to the broader population. Consistent with our collaborative approach, ADAP steps in to provide clinical assessment and intervention with an identified student, as appropriate. First, the student completes an AOD assessment followed by a second session to review. This session focuses on education, identification of possible risk areas, potential medical or mental health issues, and risk

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reduction strategies. Sanction is entered into Maxient. If they do not participate in the process there are additional sanctions. Note: Housing/Residence Life are also part of Student Affairs.

- **Camden:** Risk reduction/developmental stance. Counseling & Health Services work closely with housing/residence life. A sanctioned student meets with the AOD team. First, the student completes an AOD assessment followed by a second session to review. This session focuses on education, identification of possible risk areas, potential medical or mental health issues, and risk reduction strategies. Sanction is entered into Maxient. If they do not participate in the process there are additional sanctions. Note: Housing/Residence Life are also part of Student Affairs.
- **New Brunswick:** Risk reduction/developmental stance. Counseling and Health Outreach, Promotion & Education (HOPE) work closely with housing/residence life. HOPE contributes preventive programming for risk reduction/developmental education and awareness from a preventive perspective to the broader population. A student with a “first offense” may be sanctioned to a one-hour group educational session based on brief screening interventions for an alcohol policy violation. Group sessions are facilitated by either professional health promotion staff or senior peer alcohol and other drug educators. For a cannabis violation, there is a one-hour, one-on-one session with professional staff. Students who have been transported to the emergency room receive the educational sanction in addition to a referral to the Alcohol and Other Drug Assistance Program. First, the student completes an AOD assessment followed by a second session to review. This session focuses on education, identification of possible risk areas, potential medical or mental health issues, and risk reduction strategies. In both cases, first or additional sanctions, the information is entered into Maxient. Note: Housing/Residence Life are also part of Student Affairs. Off-campus students and Greek-letter organization students may also be mandated if they violate the AOD policy.

In addition to the formal New Brunswick Conduct process:

- Pharmacy & Clinical units: NJPNP, handled through Student Affairs, issues of licensure
- Dosomething.rutgers.edu goes through Maxient. This is a “safety net” system that allows people to share concerns about a student with the Dean of Students. Concerns may be related to AOD use, mental health issues/crisis, interpersonal violence, academic integrity.

Major Questions & Concerns

Given the unique COVID circumstances in which recreational cannabis use has been legalized, there are significant concerns about an increase in policy violations when students return to campus. Students arriving on Rutgers campuses will have had limited opportunities to socialize

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for 18 months and now are in the college environment. We anticipate a significant increase in AOD use, including but not limited to alcohol and cannabis use.

Increased AOD Sanctions

Increases in sanctions are anticipated. This increase will test the capacity of the Student Health and Wellness units responsible for efficiently providing mandated educational and intervention sessions.

It is recommended that the following be tracked:

- Number students mandated for an AOD sanction overall
- Number of students mandated for an alcohol sanction
- Number of students mandated for a cannabis sanction
- Number of students who complete the sanction within a stated timeframe (this timeframe may be dictated by the Conduct Office)
- Number of students who are unable to complete the sanction in the stated timeframe and the amount of time between the sanction itself and when it is completed
- Percentage of work time that staff is expending on sanctions in relationship to the rest of their assigned work

If students are not able to complete the mandated sanction within the required timeframe and/or staff does not have the capacity to meet the demand, additional units/individuals must be identified/hired who can implement the sanction. This includes the educational sessions, the AOD assessment and follow-up session to discuss the assessment. Additional units:

- Residence Life Staff
- Conduct Staff
- Dean of Students Staff

The Path Forward

The individual campuses will continue to share resources, education, and protocols for working with students with AOD sanctions to ensure continuity, consistency and equity across the university.

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OCCUPATIONAL HEALTH WORKING GROUP REPORT

The Occupational Health Work Group convened to discuss the impact of the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and the decriminalization of recreational use of cannabis, on Rutgers employees. The Working Group was tasked with reviewing and making recommendations for (1) pre-employment drug testing, (2) CDL testing, (3) reasonable suspicion and impairment evaluations, and (4) Clean Air Act. The working group consisted of the Directors of Occupational and Employee Health on all Rutgers and RBHS campuses. Below is a summary of our review and recommendations.

Policy Review:

The Work Group reviewed both the **Rutgers' Alcohol and other Drugs Policy (Policy 60.1.11)** and the **RBHS Employees with Impairments Policy (Policy 60.9.55)** to determine whether changes needed to be made to account for the new law regarding recreational use. The Work Group also discussed how we conduct Fitness for Duty Evaluations of employees who are impaired due to cannabis at work, to determine if any changes need to be made to these examinations. We also reviewed our current drug testing practices with respect to which employees are subject to them and when they are conducted. We benchmarked with the current alcohol and drug testing policies at our Big 10 peer universities in states where recreational cannabis is legalized. Lastly, we reviewed the relevant regulatory, licensure, and accreditation framework for alcohol and drug testing of employees at Rutgers, with the assistance of Rutgers Environmental Health and Safety.

We believe that Policy 60.1.11 does need to be updated to reference the new legislation and recreational use of cannabis, specifically. Though the use of medical cannabis is referenced, as is the "New Jersey Compassionate Use Medical Marijuana Act" and the "Jake Honig Compassionate Use Medical Cannabis Act", the Policy should also reference the "NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act". The Policy should also specifically state that recreational cannabis possession, use, and impairment continues to be prohibited on campus, and discuss penalties for same.

We do not believe additional for-cause or reasonable suspicion testing for cannabis needs to be incorporated into Policy 60.1.11. There are several reasons for this. First, cannabis is now permissible for recreational use outside of Rutgers. Second, for-cause alcohol and drug testing at Rutgers and RBHS is stipulated by regulatory or licensure reasons for certain employee groups only, and cannabis is already included in this testing, as we will discuss below. Third, the mere presence of cannabis on a drug test does not connote impairment nor violation of Policy, due to the persistence of cannabis in the body, particularly in chronic users. Furthermore, the evaluation of impaired employees by Occupational Health through the Fitness for Duty process should remain the primary means of identifying employees who violate Policies 60.1.11 and 60.9.55. Lastly, benchmarking against the other BIG 10 peer universities, revealed no additional for-cause

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testing beyond regulatory or licensure statute in response to cannabis decriminalization. These peers include the University of Illinois, the University of Michigan, and Northwestern University.

With respect to Policy 60.9.55, the RBHS Employees with Impairments Policy, we believe this Policy can be merged into Policy 60.1.11 to create one system-wide policy for alcohol and drug use.

With respect to the Occupational Health Fitness for Duty Evaluation practices, we determined that we would treat cannabis use similarly to the way we evaluate alcohol use in employees, in that it is legal but employees must not be impaired at work. Employees will be evaluated for impairment by Occupational Health providers at the request of their supervisor or Labor Relations if they exhibit signs or symptoms consistent with drug or alcohol use, as described in Policy 60.1.11. For-cause or reasonable suspicion drug testing for cannabis will only be done for specific employee populations below, as described in various federal and state regulations, facility licensure requirements, and accreditation needs:

- 1) Commercial Motor Vehicle Drivers
- 2) United States Coast Guard Vessel Crewmembers
- 3) Sworn Police Officers
- 4) Alcohol and Drug Abuse Counselors in Student Health and UBHC
- 5) Rutgers Center for Adult Autism Services Staff

In the course of our Policy Review, regulatory review, benchmarking against our Big 10 partners, and discussions with Rutgers Environmental Health and Safety leadership, we determined no additional employee groups require alcohol and drug testing due to regulatory reasons, or in response to the new cannabis legislation.

Questions:

In general, the Occupational Health Work Group regards the Policy changes due to decriminalization to be straightforward and easy to operationalize, as well as our involvement in enforcing said Policies. We do not have any outstanding questions that need resolution.

Recommendations:

To ensure Rutgers addresses employee questions and concerns due to decriminalization, the Occupational Health Work Group recommends the following:

- 1) Policy 60.1.11 be updated to reflect the new law
- 2) Policy 60.9.55 be merged into the Policy 60.1.11
- 3) University Human Resources should include Occupational Health in the Policy Review process, specifically as it relates to the evaluation of impaired employees.
- 4) No additional for-cause or reasonable suspicion testing be promulgated absent a specific regulatory or licensure or accreditation reason to do so.
- 5) The Draft FAQs be approved as written in the Cannabis Task Force Document.

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- 6) Consideration be given to increase Faculty and Staff Assistance Program counseling resources for Rutgers employees who are abusing cannabis, alcohol, or other drugs.

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RUTGERS ENVIRONMENTAL HEALTH AND SAFETY WORKING GROUP REPORT

The REHS Working Group was part of the Rutgers University Cannabis Decriminalization Impact Task Force to evaluate its potential impacts to occupational safety and health. The REHS working group identified and reviewed existing university polices, applicable health and safety regulations, employee groups currently enrolled in drug testing programs, potential health and safety impacts, and identified areas of potential issues with respect to differences between federal and state requirements.

Executive Summary

- Existing university policies for alcohol and other drug impairments address issues related to safety sensitive positions and fitness for duty provisions. Modifications to these policies are not required (from an EHS prospective) to address the decriminalization of cannabis.
- Although recreational cannabis use is permitted in New Jersey, specific federal occupational safety and health regulations may prohibit use and potentially impact employment as cannabis use remains illegal on the federal level. This includes employees/students covered by the following regulations:
 - Select Agents
 - Increased Controls
 - Commercial Driving License

Review of University Policy

- 60.1.11 , Alcohol and Other Drug Policy
- 60.9.55, Employees with Impairments (Legacy UMDNJ policy)
- 40.3.1, Risk Management and Insurance Policies
- 20.1.22, No Smoking Policy

Existing university policies were reviewed with respect to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, occupational, safety and health regulations, and professional practice related to safety sensitive positions. The existing policies (from an EHS perspective) are sufficient in addressing issues related to regulatory compliance, return to duty, fitness for duty, and safety sensitive positions.

Regulatory Considerations

- New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act
- OSHA Standard Interpretation Drug Testing
- FMCSA (CDL Regulations)
- Select Agents
- Increase Controls (10 CFR Part 37)

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- Drug-Free Workplace Act (Federal Grants)
- Drug-Free Schools and Communities Act
- NJDHSS – The Stephen Komninos Law
- NJ Law Enforcement Drug Testing Policy
- Smoke-Free New Jersey
- NJ Indoor Air Quality Standard
- NJ NJSA 18A:16-2 Physical examinations; drug testing; requirements
- Drug Free School Zones (K-12 licensed schools)

Reviewed applicable regulations as they relate to cannabis use and occupational safety and health. Although recreational cannabis use is permitted in New Jersey, specific occupational safety and health regulations may have an impact on employment/academics as cannabis use remains illegal on the federal level for specific areas and as it relates to potential impairment at work for safety sensitive positions.

- Select Agents - regulations require that anyone who has access to select agents or sensitive information or security systems related to the program receive FBI clearance.
 - FBI Clearance initially and every 3 years
 - FBI certification questions specifically asks “Are you an unlawful user of any controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802])” and notes “The use of any controlled substance (including cannabis) is illegal at the federal level even though it may be legalized in your state”
 - FBI review will include criminal records search and cannabis arrest from out-of-state that may not be vacated
 - If after the FBI background check, the individual is determined to be a restricted person as defined by 18 U.S.C. §175b, the employee/student will not be permitted to work in these areas, have access to certain materials or provide support services (IT, maintenance, security, etc.).
 - Individuals with restricted access may be referred to UHR and Academic Affairs, as necessary, for recourse to address potential employment/academic issues.
 - Work with Select Agents is a safety sensitive position
- Increased Controls - establishes security requirements for the use and transport of the most risk-significant quantities of radioactive materials. Individuals requiring access or who have access to sensitive information or security systems must receive a FBI background check and be cleared for access.
 - FBI clearance initially and every 10 years
 - Trustworthiness and Reliability Requirements for Unescorted Access to Radioactive Materials
 - Cannabis and drug use are not specifically addressed, but criminal convictions will appear as part of the background check

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- Work with these materials is a safety sensitive position
 - Whole person assessment and final determination is by the Trustworthy and Reliable Official(s) after consulting with appropriate university units (i.e. UHR, OLR, supervisor, etc.)
- Commercial Driving License - a CDL driver must be drug tested prior to beginning employment, as well as randomly each year of their employment. Further, if an accident occurs, the driver must be drug tested under certain circumstances.
 - Failed drug test will result in the return-to-duty process
- Current Drug Testing (see Occupational Health Working Group)
 - CDL drivers - REHS, Facilities, Transportation, UBHC
 - Law Enforcement – RUPD
 - Researchers on USCG vessels
 - Psychological Counselors – ADAPS, UBHC
 - The Stephen Komminos Law – RCAAS
- Safety Sensitive Positions
 - Safety-sensitive activities involving a risk of moderate to severe injury to the person or property of oneself or others, in the performance of job duties. This includes, but is not limited to, direct support of patient care and treatment, police and security duties, operating a motor-or motorized vehicle or potentially hazardous equipment, use of ladders and/or working at heights, use of hazardous materials, maintenance of hazardous facilities such as boilers, utilization of explosives, utilization of III or IV lasers, work with high-voltage electricity, or access to controlled substances within the university
 - Employees suspected to be under the influence of or impaired by a controlled substance should be addressed following applicable university policy which may include a fitness-for-duty evaluation.

Recommendations

- University Policy on alcohol and drug use should continue to include impairment at work for safety sensitive positions as a fitness for duty issue following applicable procedures
- Additional information (beyond the university wide communications to be developed) should be provided to employees/students in program areas where off-campus recreational use of cannabis may impact employment and/or academics
 - Should be completed as soon as possible or in conjunction with the timeline established with other communication
 - Include in annual EHS training, where applicable

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RESEARCH
WORKING GROUP REPORT

The Research working group was tasked with evaluating and making recommendations related to (1) impact of the new law on federal funding and research activities, and (2) grant opportunities and application impacts. Below is a summary of the findings and recommendations.

Comprehensive university-wide data relating to the interest of university research faculty to study cannabis and cannabis-related effects has not been obtained to date. There have been a small number of sponsored research projects at Rutgers related to cannabis though they tend to have been focused observation studies and socio-economic topics. A survey of faculty could establish whether there may be some interest in expanding cannabis research topics. Surveys could either be sent out broadly or in focused areas around clinical research, fundamental laboratory research and socio-economic studies.

If there is interest in conducting cannabis-related research, an effort should be made to identify potential sources of funding including state, federal and research foundations. The university may want to query whether there is the potential for a university-wide site license/waiver to conduct cannabis-related research on one or all of the above-referenced research areas. We should also consider potentially partnering with relevant state officials in such an application. A very preliminary conversation with the NJCSIT revealed a potential interest in further discussion on the matter. RU colleagues in state and federal relations must also be consulted.

Finally, a benchmarking with other CIC Schools as well as public universities in states where medical and/or recreational cannabis has been legalized could be helpful. The University of Colorado for example provides policy guidance in this area.

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COMMUNICATIONS AND EXTERNAL AFFAIRS WORKING GROUP REPORT

As part of the university's analysis of impacts associated with the recent legalization of cannabis in New Jersey, Rutgers communicators were asked to recommend a communication strategy to inform key constituents of Rutgers' position regarding the use of cannabis on campus and in association with university activities. Our recommendations are outlined in Section A of this report.

In addition, University Communications and Marketing was asked to review all universitywide communications and marketing policies and to recommend changes where required. Those recommendations are located in Section B.

Communicators from the following areas were invited to contribute to this report:

- University Communications and Marketing (UCM)
- Rutgers University – New Brunswick & RBHS Communications (R-Comm)
- Rutgers University – Newark Communications
- Rutgers University – Camden Communications
- IP&O and UHR Communications
- External Affairs

Section A: Communications Plan Recommendations

Goals

- Explain Rutgers overarching position regarding the use of cannabis on campus and the underlying legal requirements that govern the university's association with cannabis-related activities.
- Inform key audiences of the "do's and don'ts" of the university's cannabis guidelines and policies, and the new State law.
- Integrate cannabis-related guidance into the university's public safety, health, orientation, training, and other materials and programs.

Audiences

- Internal: Students, staff, faculty, Governing boards, Administrative Council
- External: Parents, campus visitors, sports fans, federal and state policymakers, news media

Strategy

- For official university information, utilize a broad range of central, chancellor, and unit-owned communication channels and activities to reach target audiences
- Target social and student media to effectively reach students

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- Coordinate communication across Rutgers channels to ensure audiences receive accurate, timely and consistent information from all university sources
- Deliver timely, concise information to campus visitors, the news media, and other external constituents

Messaging

Messaging will be guided by the approved recommendations contained in the Task Force Report as well as the university's overarching position regarding cannabis:

The recreational use of cannabis is prohibited at Rutgers. While New Jersey has legalized marijuana, the possession, use, and distribution of marijuana is still illegal and subject to prosecution under federal law, regardless of what state laws permit, and regardless of whether the federal government chooses to actively enforce federal law in those states that have legalized recreational cannabis use. For Rutgers and other public universities, receipt of federal funds in the form of student loans, grants and research support, among other things, is conditioned on our compliance with federal drug law.

The university will issue the below Holding Statement in response to inquiries received prior to the public release of the Task Force's recommendations:

Rutgers is committed to following the law and has convened a universitywide task force to review all relevant university policies and practices given the recent change in state law, as well as ongoing federal law considerations. Task force members are considering the implications of changes in marijuana law for employees, students and campus visitors and the group includes representatives from student life, student leadership, and many other areas of the university. The task force will complete its work this summer so that additional information can be provided to the Rutgers community before the start of the fall semester.

Cannabis preferred over Marijuana

During the April 26 Task Force meeting, it was recommended that the university use the word "cannabis" in communications to the Rutgers community to avoid possible negative connotations that some constituents have reported about the term "marijuana."

Communications Elements: Central

- Universitywide email announcements and updates from Central Administration leaders: EVP of Academic Affairs, EVP & Chief Operating Officer, SVP of UHR, Executive Director of Public Safety
- Management of universitywide news and media relations
- Constituent engagement via universitywide social media channels
- *Rutgers Today* stories and announcements
- Public safety materials and presentations by IP&O
- Employee guidance from UHR
- Information to public officials through *Friends of Rutgers* and other outreach

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- New universitywide website:
 - Official source for high-level information about cannabis at Rutgers
 - Position statements and guidance regarding cannabis-related activities
 - Background on the legal requirements that shape Rutgers' policies
 - Links to relevant university policies
 - Links to other websites that provide additional information
 - Brief explanation of the New Jersey cannabis law and relevant federal law
 - FAQs by topic (health, public safety) or audience (students, employees, campus visitors)
 - Brief reference to the Rutgers Cannabis Task Force; link to the final report
 - Link to submit questions to IP&O via: Cannabisinfo@ipo.rutgers.edu

Communications Elements: Chancellors & Units

- Messages from the Chancellors and Vice Chancellors
- Student Affairs communications, websites, and programs
- Student Health websites and education and training materials
- Campus-based public safety websites and materials
- Athletics communications to provide guidance to student athletes, staff and sports fans
- Communications for campus visitors

**Additional information (beyond the universitywide communications to be developed) should be provided to employees/students in program areas where off-campus recreational use of cannabis may impact employment and/or academics.*

Communication Plan Roll-out

July – Phase 1: Pre-release Briefings in Advance of Public Announcement

- Task Force Report delivered to President and SLT
- Brief governing boards/committees
- Brief Administrative Council
- Presentations to student-facing employees (public safety, student affairs, student health, residence life, counseling, etc.)
- Presentations to student leaders
- Presentation to labor advisory group
- External relations briefings for interested policy makers
- Updates to all relevant policies in University Policy Library

August – Phase 2: Public Announcement

- **Issue universitywide message** to the Rutgers community from the EVPAA and the EVP & COO
- **Launch universitywide website**

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- **Activate all web content** – ensure new cannabis information and guidance is live on all other Rutgers websites (Student Affairs, Housing, Student Health, Counseling; Public Safety, UHR, Athletics, etc.)
- **Rutgers Today story** – timed to run the day the message from Tony Calcado and Prabhas Moghe is sent to the university community. The story will note any changes to the policies – and what has not changed and why – and will quote Tony Calcado, Prabhas Moghe and Vivian Fernández.
- **Social Media** – posts linking to the Rutgers Today story will originate from the @RutgersU channels, especially Instagram, which has good reach to students. UCM’s posts will be coordinated with posts by Student Affairs and other campus-based channels.
- **Daily Targum** – UCM will set up an exclusive interview with the Targum for an embargoed story timed for when the message is sent to the community. UCM will set up an interview with Tony or Prabhas. The Targum publishes sporadically during the summer; we will plan accordingly.
- **External News Media** – UCM will make a real-time decision about whether we will proactively pitch to regional or national media, or simply respond to inquiries. The Rutgers Today story, message to the community, and updated policies will be sent to interested reporters.

The Path Forward: Operationalizing the Recommendations

UCM will convene communicators from key areas across the university to review, refine, and execute the communications plan:

- Identify and convene Communications Working Group members required for execution
- Distribute draft Task Force Report to Working Group; meet to discuss report and refine the plan
- Develop messaging and FAQs
- Develop communications assets: websites, social media graphics, presentations, etc.
- Coordinate and execute communications roll-out
- Maintain communications throughout academic year, as needed

Section B: Communications Policy Recommendations

University Communications and Marketing oversees all universitywide communications and marketing policies. As we reviewed the seven existing policies, we considered the following guidance to faculty and staff provided in the Rutgers Office of Research Policy Document:

To ensure consistency across Rutgers University, campuses may not accept donations, grants or other funding from entities or individuals known to directly derive most or all of their funding from conducting cannabis-related activities that are illegal under federal law (e.g., sale, cultivation, distribution). This includes grants that are earmarked specifically for the study of the impact of cannabis directly from

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companies that distribute or manufacture cannabis products or foundations that are created by such companies.

UCM recommends changing two policies – Trademark Management, and also Endorsements, Sponsorships and Advertising – to provide Rutgers employees clear and consistent guidance regarding cannabis-related activities. Our proposed revisions to each of these two policies are highlighted in red text in the excerpts below:

[Rutgers University Trademark Management and Licensing Policy 80.1.2](#)

VII. Prohibited Uses of University Marks

A. Rutgers does not license or use Rutgers' name or trademarks in connection with products, services, programs, images, or activities that may harm the reputation of the university or are inconsistent with the university's mission and values. Prohibited uses of Rutgers' name and trademarks include, but are not limited to, the following:

- Any use that discriminates or implies discrimination against any persons or groups based on age, ancestry, belief, color, creed, disability, national origin, race, religion, sex, sexual orientation, or veteran status, or in any other way that conflicts with university standards or violate Rutgers' policies or practices;
- Products that are inherently dangerous or present an unacceptable risk of liability, including knives, firearms, weapons, and explosives;
- Illegal use of alcohol or alcohol-related products.

The use of the Rutgers name or trademarks with any alcohol-related product, activity, or event is discouraged. In instances where alcohol-related activities and events do include the Rutgers name or trademarks, a safe and responsible drinking message must be included and approval from the Office of Trademark Licensing is required;

- Tobacco-related products;
- Cannabis-related products;
- Illegal drug-related products, services, activities, and events;

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- Products, activities, images, and designs that are deemed by the university as racist, sexist, hateful, or demeaning or use degrading language or statements;
- Products, images, or designs deemed to include or imply profane language or lewd sexual acts;
- Products or statements impugning the university.

[Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials Policy 80.1.4](#)

A. General Rules

1. University units may not endorse or accept sponsorships or advertising from any external entity whose products, services, programs, images, activities, mission, purpose, goods, and/or services:
 - a. may harm the reputation of the university or are inconsistent with the university's mission and values;
 - b. violate Rutgers' policies or practices and/or applicable local, State, and federal laws and regulations;
 - c. discriminate or imply discrimination against any persons or groups based on age, ancestry, belief, color, creed, disability, national origin, race, religion, sex, sexual orientation, or veteran status, or in any other way that conflicts with university standards;
 - d. that the university deems to be racist, sexist, hateful, or demeaning;
 - e. circumvent purchasing policies;
 - f. are inherently dangerous or present an unacceptable risk of liability, including knives, firearms, weapons, and explosives;
 - g. are considered to contain obscene, indecent, or profane material;
 - h. promote the illegal use of alcohol or alcohol-related products.

The use of the Rutgers name or trademarks with any alcohol-related product, activity, or event is discouraged. In instances where alcohol-related activities and events do include

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the Rutgers name or trademarks, a safe and responsible drinking message must be included, and approval from the Office of Trademark Licensing is required.

- i. promote the use of cannabis or cannabis-related products;
- j. constitute a personal attack on individuals in either the public or private sphere;
or
- k. is for personal gain.

At this time, UCM does not recommend changes to the five remaining universitywide communications and marketing policies:

80.1.1 Permission for External Companies to Film, Videotape, and Photograph at Rutgers

80.1.3 Purchase of External Advertising

80.1.5 University Visual Identity

80.1.6 Communications and Relations with the News Media

80.1.7 Rutgers University Website Policy

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STUDENT AFFAIRS
WORKING GROUP REPORT

The Student Affairs working group was tasked with evaluating and making recommendations related to (1) Student Code of Conduct 10.2.11, (2) impacts to housing and residence life contracts / policies, (3) response protocols for odor of cannabis complaints, (4) warning system for housing, (5) impact to off-campus students, (6) resolution for roommate complaints, (7) intersection with EMS, and (8) the Medical Amnesty policy. Below is a summary of the findings and recommendations.

Recommendation #1: Make changes to student policies to explain how changes to the law impact use and possession on campus. Students may assume that because cannabis is decriminalized for those over 21 that it is okay to use on campus. We know this is incorrect, due to the fact that the federal government still lists cannabis as an illicit drug. The Drug Free Schools and Communities Act prohibits possession or use of illicit drugs on campus and non-compliance/enforcement could mean loss of federal funds.

Actions:

- Group worked with the Student Conduct Offices on the three campuses to recommend changes to language in 10.2.11 University Code of Student Conduct.
- Group worked with the Health Promotions staff and RUPD on recommended language changes to 10.2.14 Alcohol and Other Drug Policy for Students

Recommendation #2: Work with RUPD and Student Affairs Staff to better understand how changes to enforcement will impact students and staff, both on campus and in the residence halls. The new law does not permit law enforcement officers to confront smell only. Our former protocol of calling RUPD for cannabis smell would not be appropriate given the new law. Meetings were scheduled with our group and RUPD to discuss what RUPD may and may not do going forward. Our group also met with Residence Life staff to discuss new protocol that would meet their needs while still making sure the police were following state law.

Actions:

- A Memo of Understanding between Rutgers University Police and the Division of Student Affairs at Camden, Newark, and New Brunswick to cover what the police will be able to do going forward. Content in the memo was reviewed by all parties and will be signed by Police Chiefs and Vice Chancellors for Student Affairs.
- A new protocol for addressing cannabis found in plain site was developed by residence hall staff in Camden, Newark, and New Brunswick. All campuses agree with new protocol.

Recommendation #3: Work with student conduct and health promotions staff on educational sanction changes and educational programs. The decriminalization of cannabis means that

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cannabis possession and use are on the same level as alcohol possession and use. Currently, sanctions for cannabis possession are more severe than those for alcohol possession (probation is issued instead of a reprimand). Educational sanctions need to be adjusted to be educational but less punitive.

Actions:

The health promotions and student conduct staffs met and decided that they would change sanctions for cannabis to be equivalent to sanctions for alcohol. Sanction change recommendations determined by Offices of Student Conduct:

- 1st violation: Reprimand and educational intervention (individual appointment with either HOPE or ADAPS)
- 2nd violation: Disciplinary Probation-semester, ADAPS 3 session, fine
- 3rd violation: Disciplinary Probation-year, ADAPS, fine
- 4th violation: Disciplinary Suspension, ADAPS before return, fine

The health promotions and student conduct staffs are also working on an prevention education plan, letting students know information about law changes, dangers to edibles, and other information related to cannabis.

Recommendation #4: Use cannabis instead of marijuana. We heard from both students and staff members that there are negative connotations to marijuana. For some the term is historically racist, back to when prohibitionist used the term to scare Americans into thinking it was a foreign drug used by scary outsiders. It also brings up thoughts of incarceration, and the disproportionate number of people of color incarcerated for drug related crimes. The group recommends not using cannabis and marijuana interchangeably, instead using the term cannabis.

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STUDENT LEADERS
WORKING GROUP REPORT

Student leaders from Camden, Newark and New Brunswick were also asked to participate in the Task Force and work in tandem with the other sub-committees to represent the student body and bring concerns forward with regard to policy and conduct changes impacting students.

The group developed and distributed a survey to students, which yielded the following:

- Regarding marijuana usage, the survey found that of the n = 506, 274 students (54%) had used marijuana and that 232 (46%) had not used marijuana.
- This is interesting to note that while roughly two percent higher than the national average, it is not a large majority of Rutgers students.
- When asked about the policy that required removal of housing for marijuana possession, only 11% (n = 56) were in favor of any removal over marijuana possession while the other 89% (n = 450) were not in favor.
- Additionally, the main messaging challenge will be to explain to students the impact of the state law as it pertains to federal statute.
- Finally, among all three campuses, students are incredibly supportive of the cessation of RUPD responding to odor of marijuana calls.



RUTGERS

Institutional Planning
and Operations

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APPENDICES

SUPPORTING TODAY, ENVISIONING TOMORROW.

DRAFT FREQUENTLY ASKED QUESTIONS

On February 22, 2021, the New Jersey legislature passed the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which decriminalized the possession and use of cannabis (marijuana) and hashish for individuals 21 years of age and over in the state of New Jersey. However, cannabis remains illegal under federal law. The following FAQs are designed to ensure our community is aware of the university's policies amidst this change in state law.

- **When does the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act go into effect?**
The new law went into effect on February 22, 2021.
- **Will cannabis/hashish be permitted on-campus?**
No. Even if legally obtained under state law, the possession, use, manufacture, cultivation, dissemination, and storage of recreational or medicinal cannabis in any form, is prohibited on-campus by university policy and federal law. Under the federal Controlled Substance Act, cannabis (marijuana) is still a controlled dangerous substance (or Schedule I drug).
- **Is medicinal cannabis allowed on-campus?**
No. Even if obtained through a medical provider, cannabis is prohibited on-campus and at university events and activities.
- **Can I use cannabis or hashish if I live off-campus?**
Cannabis is prohibited on-campus and at university events and activities. If you choose to use cannabis off-campus you are responsible for determining where and under what circumstances it is legal and safe to do so.
- **Can Rutgers prohibit me from engaging in conduct that is permissible under state law?**
Yes. Like alcohol, tobacco and other controlled substances that may be permissible under state law but are restricted by Rutgers policies, Rutgers will not permit the possession, use, manufacture, cultivation, dissemination, or storage of recreational or medicinal cannabis on university property. As a higher education institution, property owner, and recipient of federal funds, Rutgers has not only the authority, but the legal obligation to prohibit cannabis on-campus and at university events.
- **Do Rutgers policies prohibiting cannabis use apply to faculty, staff, students and visitors to campus?**
Yes. Rutgers policies and federal law prohibit anyone from using, possessing or distributing cannabis on Rutgers property or at Rutgers events.

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▪ **How do federal laws that prohibit cannabis use impact university policy?**

Federal law prohibiting cannabis preempts state laws. The possession, use, and distribution of cannabis is still illegal and subject to prosecution under federal law, regardless of what state law permits, and regardless of whether the federal government chooses to actively enforce federal law in those states that have legalized recreational cannabis use.

Importantly for Rutgers, receipt of federal funds in the form of student loans, grants and research support, among other things, is conditioned on compliance with federal drug law. This includes the university's obligation to take measures to prevent the illicit use of drugs and abuse of alcohol on Rutgers property or at university events under the federal Drug-Free Schools and Communities Act.

▪ **Does Medical Amnesty apply to cannabis use?**

Yes. The wellbeing of our students is of primary importance. [Rutgers' Medical Amnesty](#), which encourages individuals to seek assistance for individuals who are dangerously under the influence of drugs or alcohol, applies to the use of cannabis. No student seeking medical treatment for the effects of drug or alcohol use will be subject to university discipline for violations pertaining to drug or alcohol possession/use as outlined in this Code of Conduct.

▪ **If I live in University Housing and am over 21, can I have cannabis on campus?**

No, cannabis and paraphernalia are prohibited on campus and will be confiscated and destroyed.

▪ **Can distributors advertise for their dispensary on-campus?**

No. Advertising is prohibited under the federal Drug-Free Schools and Communities Act.

▪ **What is allowed under the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act?**

**Please note, the summary below is for informational purposes only and not intended to provide legal advice.*

As of February 21, 2021, the following conduct no longer violates state law for individuals 21 years of age and over:

- Possession of 6oz or less of cannabis or 17 grams or less of hashish
- Being under the influence of cannabis or hashish
- Failure to properly dispose of cannabis or hashish
- Possession of paraphernalia for cannabis or hashish
- Possession of cannabis or hashish as a motor vehicle operator

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- **Where can cannabis be smoked?**

Smoking and using cannabis in public places will be prohibited but the legalization law will allow for consumption lounges. Those, along with dispensaries, will take time to open in New Jersey.

- **I have more questions about Rutgers policies. Where should I go?**

You may contact the Task Force at cannabisinfo@ipo.rutgers.edu.

- **I want to talk to someone about substance use. Who can I talk to?**

Rutgers students have access to resources that can assist you in addressing substance use including Health Outreach, Promotion, and Education ([HOPE](#)) and Counseling, Alcohol and Other Drug Assistance Program & Psychiatric Services ([CAPS](#)).

Rutgers faculty and staff have access to similar resources through the [Faculty & Staff Assistance Program](#).

- **What happens if I violate these policies?**
- **What if I am underage and violate the new law?**
- **What happens if cannabis is found in the workplace?**
- **Can I be terminated for using cannabis?**
- **What should I do if my employee comes to work impaired?**
- **How do I report violations of these policies?**
- **What is considered “university property”?**

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New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

SYNOPSIS

The “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”; legalizes personal use cannabis for certain adults, subject to State regulation; decriminalizes small amount cannabis and hashish possession; removes cannabis as Schedule I drug.

A copy of the new law may be found on the State of New Jersey website:

https://www.njleg.state.nj.us/2020/Bills/S0500/21_R2.HTM

A PDF of the law may be downloaded at:

https://www.njleg.state.nj.us/2020/Bills/S0500/21_R2.PDF



RUTGERS POLICY

Section: 10.2.14

Section Title: Student Academic Regulations & Policies

Policy Name: Alcohol and Other Drugs Policy for Students (this policy applies only to students)

Formerly Book: 6.1.13

Formerly Section: 60.1.11 (which policy applied to both students and employees)

Approval Authority: Executive Vice President for Academic Affairs

Responsible Executive: Executive Vice President for Academic Affairs

Responsible Office: Office of Student Affairs

Originally Issued: 5/1975

Revisions: 5/1984, 6/2014

Errors or changes? Contact Office of the Vice Chancellor for Student Affairs at (848) 932-8576

1. Policy Statement

This policy applies to all students enrolled at Rutgers University as defined in Subsection 6.II.L.

2. Reasons for the Policy

Rutgers, The State University of New Jersey is committed to providing a healthy and safe campus environment. The policy states the university's expectations regarding the use of alcohol and other drugs by students and students' responsibilities and obligations in using alcohol and other drugs. Additionally, the policy serves to express, describe, and articulate compliance and obligations with state and federal laws.

3. Who Should Read This Policy

All members of the Rutgers University community.

4. Related Documents

University Policy 10.2.11, Code of Student Conduct
University Policy 40.2.9, State Accounts
University Policy 60.1.11, Alcohol and Other Drugs Policy (for employees)

5. Contacts

Alcohol and Other Drug Assistance:
Camden: 856-225-6005
Newark: 973-353-1236
New Brunswick: 848-932-7884
RBHS: 973-972-6388

Executive Director of Dining Services: 848-932-8040

Health Promotion/Education:

Camden: 856-225-6005 (Health Promotion)

Newark: 973-353-1256 (Health Promotion)

New Brunswick: 848-932-1965 (Health Outreach, Promotion, and Education)

RBHS: 973-972-6388

New Jersey Division of Alcoholic Beverage Control: 609-984-2830

Office of the Ombudsperson for Students: 848-932-1452

Rutgers Police Department:

Camden: 856-225-6111

Newark: 973-353-5111

New Brunswick: 732-932-7211

RBHS: 973-932-6393

6. The Policy

10.2.14 ALCOHOL AND OTHER DRUGS POLICY FOR STUDENTS

I. Overview

- A. As an institution of higher education, Rutgers, The State University of New Jersey is dedicated to providing the best academic experience possible for all students in a campus environment that maximizes their ability to succeed. Throughout its history, Rutgers has been committed to sustaining an academic culture that both respects individual freedom and promotes the health, safety, and well-being of all members of the university community. The adverse consequences of the misuse and abuse of alcohol and other drugs represents one of the most serious problems on university campuses today. Thus, we take seriously our commitment to maintaining a healthy and safe campus environment that includes the regulation of alcohol and other drugs. We are committed to an environmental management approach that includes education, prevention, intervention, enforcement, treatment, and recovery support.

When students choose to accept admission to Rutgers University, they accept the rights and responsibilities of membership in the university's academic and social community. The university expects all members of the community to take responsibility for their own actions and to act to reduce risks of damage and harm to themselves and to others. Moreover, the university expects every member of our community to use good judgment, common sense, and compassion for one another.

The misuse and abuse of alcohol and other drugs constitutes a threat to the educational mission of the university. Rutgers seeks to provide an environment that reduces or eliminates the adverse consequences of alcohol and other drug misuse and abuse on individuals, groups, and the university as well as respects the rights of those who choose not to consume alcohol or other drugs for any reason. This includes encouraging healthy lifestyles that prevent and discourage underage drinking. Thus, specific procedures have been developed for the use of alcohol and other drugs and will be strictly enforced.

Awareness of this policy is an important component of reducing harm. All members of the university community are responsible for being fully aware of the requirements of university policies related to alcohol and other drugs as well as local, state, and federal laws regarding alcohol and other drugs as outlined in Sections 6.III and 6.IV of this policy.

The university is committed to raising awareness about the potential negative consequences of alcohol and other drug use including substance use disorders. Education is an intrinsic component of the university's commitment to reduce or eliminate the harm caused by excessive alcohol and other drug use. In addition, the university recognizes that addiction is a treatable illness and encourages anyone who may have a substance use disorder to seek

All regulations and procedures are subject to amendment.

treatment. This policy is not designed to be punitive for students seeking treatment. Comprehensive health education and mental health services for students (including alcohol and other drug treatment) are provided on all university campuses. This policy should not be a barrier to students getting help for themselves or for other students.

B. Scope

This policy shall apply to all students, as defined in Subsection 6.II.L. This policy shall apply to conduct that occurs on property under the jurisdiction of Rutgers as defined in Subsection 6.II.B, at university sponsored activities as defined in Subsection 6.II.N, and at events where students are representing the university. Individual university units may develop additional regulations pertaining to their specific jurisdictions that are more restrictive than those set forth in this policy. In all instances, however, this policy is the minimum university standard.

II. Definitions

- A. *Alcoholic beverage*: Any liquid beverage containing at least one (1) percent of alcohol by volume, including methyl and isopropyl alcohol that is not intended for human consumption.
- B. *Area under the jurisdiction*: Includes all on- and off-campus property owned, occupied, leased, or used by Rutgers or a recognized student organization. This includes all campuses, research sites, and leased indoor and outdoor spaces or spaces occupied with a user permit, license, or contract for the conduct of performing university business.
- C. *Controlled substance*: A drug or chemical substance whose possession and use are controlled by Title 21, Section 812, Schedules I through V of the United States Code (also known as the "Controlled Substances Act"). This includes, but is not limited to, narcotics, depressants, hallucinogens, stimulants, and other substances commonly or collectively known as "illicit drugs."
- D. *Illicit drug*: A type of controlled substance that is imported, grown, or manufactured illegally. This includes, but is not limited to, heroin, cocaine, amphetamines, ecstasy, marijuana (over 6 oz), methamphetamine, and LSD.
- E. *Legally prescribed medication*: Includes drugs prescribed by a licensed practitioner and over-the-counter drugs that have been legally obtained and are being used in the appropriate amount solely by the individual and for the purpose for which the medication was prescribed or manufactured.
- F. *Manufacture*: The production, preparation, propagation, compounding, conversion, or processing of a controlled substance or alcohol. This does not include manufacturing for the intended purpose of scholarly research.
- G. *Medical marijuana*: The use of cannabis or marijuana, including constituents of cannabis, THC and other cannabinoids, as a physician-recommended form of medicine or herbal therapy.
- H. *N.J.S.A.*: New Jersey Statutes Annotated.
- I. *Other drugs*: Controlled substances and tobacco (including electronic smoking devices).
- J. *Possession*: Knowing or intentionally possessing a controlled substance and/or having direct physical control over a controlled substance. This does not include possession for the purpose of scholarly research.
- K. *Sponsoring*: The hosting of an official activity on behalf of the university or a unit of the university.
- L. *Student*: Any person for whom the university maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has

not yet been awarded his/her degree from the university. The term student may also include any person who is a non-matriculating student.

- M. *Student organization*: Any identified group of students who have complied with the formal requirements for university recognition and affiliation and have registered for affiliation with the university.
- N. *University sponsored activity*: Any academic, co-curricular, extra-curricular, or other activity on or off campus, which is initiated, aided, authorized, or supervised by a student organization.
- O. *Under the influence/impairment*: Defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one's speech, being argumentative, or being incapable of performing the functions typically associated with being a student, and when such conduct is reasonably related to a student's use of alcohol or controlled substances.

III. Compliance with Federal Law and State Statutes

- A. The sale, provision, serving, possession, and consumption of alcoholic beverages on the Rutgers campuses are regulated by federal and state laws and by local ordinances. All members of the university community are obligated to obey these laws, regulations, and ordinances. The university does not have the authority to alter the laws or secure exemption from them. Members of the university are individually responsible for determining how applicable laws, regulations, and ordinances apply to them, and for obeying them.
- B. As an institution of higher education and an employer, Rutgers is obligated to abide by and enforce provisions in the Drug-Free Workplace Act of 1988, Drug-Free Schools and Communities Act, Smoke-Free Air Act, and State of New Jersey Statutes.
- ~~C.~~ Medical marijuana, while legally permitted in New Jersey, is prohibited on Rutgers campuses due to provisions in the Drug-Free Schools and Communities Act.
- ~~C-D.~~ Recreational marijuana, while legally permitted in New Jersey for use by those over 21 possessing less than 6 ounces, is prohibited on Rutgers campuses due to provisions in the Drug-Free Schools and Communities Act.
- ~~D-E.~~ University police officers, in the performance of their duties as assigned, are exempt from relevant provisions of this policy in specific situations and are regulated by state law and departmental policy.

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IV. Expectations for Students

All members of the university community are encouraged to contribute to a culture of responsible, safe, and legal substance use; support and respect those who choose not to use alcohol and/or other drugs; and avoid dangerous drinking or other drug use and their resulting negative consequences.

A. Legal Restrictions

- i. No person shall offer, serve, or make available any alcoholic beverage to a person under the legal age for consuming alcoholic beverages. This section does not apply to a parent or guardian of an underage person, if the alcoholic beverage is consumed for religious observance, ceremony, or rite (N.J.S.A. 2C:33-17).
- ii. No member of the university community under the legal age to purchase alcoholic beverages may acquire, possess, or consume alcoholic beverages on

- any university property or at any university sponsored event (N.J.S.A. 2C:33-15).
- iii. No member of the university community may sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission (N.J.S.A. 33:1-2 and Title 33 of the New Jersey Statutes, generally). (See Subsection 6.V.C)
 - iv. A person under the age of 21 shall not enter any premises licensed for the retail sale of alcoholic beverages for the purposes of misrepresenting his/her age to purchase an alcoholic beverage (N.J.S.A. 33:1-81).
 - v. No member of the university community shall knowingly possess or exhibit a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's age or other identifying information (N.J.S.A. 2C:21-2.1).
 - vi. No member of the university community shall use the personal identifying information of another to illegally purchase an alcoholic beverage or obtaining tobacco (N.J.S.A. 2C:28-7).
 - vii. No person, regardless of age, may consume or possess an open container of an alcoholic beverage in a motor vehicle (N.J.S.A. 39:4-51a; 39:4-51b).
 - viii. Open containers of alcohol in public areas are subject to municipal ordinances and penalties vary depending on where the campus is located: Camden (Ordinance 129-22); Newark (Ordinance 20:2-7); New Brunswick (Ordinance 9.04-202).
 - ix. No member of the university community may possess, manufacture, distribute, or use drugs, narcotics, or controlled substances and/or paraphernalia containing evidence of such substances on university property except as expressly permitted by law (New Jersey Controlled Dangerous Substance Act; N.J.S.A. 24:21-1 et seq.; 2C:35 and 2C:36, generally; Federal Controlled Substances Act).
 - x. No member of the university community may distribute or sell prescription drugs to another unless licensed by law to prescribe medication (N.J.S.A. 2C:35-10.5).
 - xi. Smoking of tobacco products and the use of electronic smoking devices is prohibited in any portion of a building that is owned and operated by Rutgers, The State University of New Jersey (N.J.S.A. 26:3D-17). This includes classrooms, lecture halls, auditoriums, residence halls, gymnasiums, playing fields, and other recreational areas. Smoking is also prohibited in all university-owned or leased vehicles. In addition, smoking and the placement of ash urn receptacles is prohibited in areas deemed to be main entrances to buildings owned and operated by the university. (Section 60.1.10, Smoking Policy).
 - xii. Driving Under the Influence [DUI] of intoxicating liquor, narcotic, hallucinogens, or habit producing drugs may include the following penalties: fines, fees, and surcharges; license suspension; ignition interlock device; jail time and/or community service (<http://www.state.nj.us/mvc/Violations/dui.htm>). Additional penalties may be assessed for DUI under the age of 21 (N.J.S.A. 39:4-50.14).

B. Helping Others in Need of Medical Assistance

The University encourages all members of our community to help others who are in need of medical assistance due to excessive consumption of alcohol or other drugs by calling 9-1-1.

- i. A New Jersey statute (referred to as "Lifeline Legislation") grants immunity from legal penalties when: (1) an underage person calls 9-1-1 and reports that another underage person is in need of medical assistance due to alcohol consumption; (2) the underage person who called 9-1-1 provides his/her name to the 9-1-1 operator; (3) the underage person is the first person to make the 9-1-1 report; (4) the underage person who made the 9-1-1 call remains at the scene with the person under the legal age in need of medical assistance until assistance arrives and cooperates with medical assistance and law enforcement personnel on the scene. The underage person who received medical assistance and others applicable by law are immune from legal penalties (N.J.S.A. 2C:33-15).
- ii. An additional New Jersey law called the "Overdose Protection (Prevention) Act" provides immunity from legal penalties, under certain circumstances, for persons seeking medical assistance for someone experiencing a drug overdose (N.J.S.A. 2C:35-30 and 2C: 35-31).
- iii. New Jersey law allows a police officer to take people found to be intoxicated in public to a medical facility (N.J.S.A. 26:2B-16).

V. Alcohol at University Sponsored Activities (as defined in Subsection 6.II.N)

At events where it is determined that it is appropriate and permissible to serve alcohol, the use of alcoholic beverages at social functions on the Rutgers campuses is restricted to those functions open to members of sponsoring departments/organizations and their invited guests where service of alcohol is restricted to those of legal drinking age as defined by pertinent New Jersey Statutes. Such functions must be restricted to areas designated by the deans, chancellors, or vice presidents. In all cases, state laws governing the dispensing of alcoholic beverages must be observed. The University is dedicated to fostering a healthy social environment for everyone who lives, works, visits, and learns on our campuses. Each member of the university community shares responsibility for its members' collective health and safety. In addition, the university expects its members and visitors to take responsibility for their own actions; to demonstrate respect and regard for the rights, property, and person of all individuals; and to act to reduce risks of damage and harm to both themselves and to others.

- A. Anyone serving alcohol must refuse the distribution of alcohol to any person who appears to be intoxicated, inebriated, or impaired due to alcohol consumption.
- B. In addition, the following items are mandatory for events sponsored by student organizations and strongly recommended for events that are sponsored by university departments/units if students are invited to attend the event:
 - i. The use of alcoholic beverages is restricted to members of sponsoring organizations/departments and their invited guests.
 - ii. Alcoholic beverages are sold, served, and consumed in a physical setting that is conducive to control and reasonable privacy and in an area designated by the relevant Chancellor or Vice Chancellor (or designee). Attendees may not remove alcoholic beverages from this setting.
 - iii. At least one representative of the sponsoring organization/department is designated to ensure compliance with this policy and monitor the distribution of alcohol. This person must be certified by a nationally recognized educational/training program such as TIPS (Training for Intervention ProcedureS) or TAMS (Techniques of Alcohol Management). A licensed bartender may be hired to monitor the distribution of

All regulations and procedures are subject to amendment.

alcohol, but a TIPS/TAMS certified representative of the sponsoring organization/department must be present to ensure compliance with this policy.

- iv. There is an adequate mechanism in place to properly identify of-age drinkers (i.e., verification of picture identification). If it is anticipated that a significant proportion of the attendees will be under the age of 21, a systematic procedure must be used to check IDs and to clearly indicate those of legal age to purchase or be served alcohol (e.g., a single access to the event location monitored by trained personnel checking IDs and issuing wrist bands to those who are age 21 and over).
 - v. No alcohol is consumed as part of a competition such as drinking games or chugging contests.
 - vi. A varied and equal quantity of nonalcoholic beverages is provided.
 - vii. Food in sufficient quantity for the number of persons present and the amount of alcohol to be served or sold is provided.
 - viii. Invitations include the name of the sponsoring organization/department. If alcohol is mentioned in the invitation, the availability of nonalcoholic beverages and food also must be included.
 - ix. If punch or another pre-mixed beverage that contains alcohol is permitted to be served in the location of the event, it must be clearly labeled as containing alcohol.
 - x. The sale or service of alcohol is discontinued within a reasonable period of time prior to the anticipated end of the event.
 - xi. At the end of the event, any alcoholic beverages in open containers are disposed of properly (e.g., poured down a drain) by the event sponsors or by the vendor hired to provide the alcoholic beverages. Any unopened containers of alcoholic beverages are returned to the place of purchase or stored in a secure location for use at a future event. In no case may attendees or sponsors take home any alcoholic beverages purchased for the event.
- C. Any university sponsored activity where alcohol is served and money is collected from the attendees (prior to or at the event) requires a Social Affair Permit from the New Jersey Division of Alcoholic Beverage Control (<http://www.nj.gov/oag/abc/index.html>). Permit applications must be signed by the appropriate official on each campus:
- a. Camden: Associate Chancellor for Student Affairs
 - b. Newark: Associate Chancellor for Student Life
 - c. New Brunswick: Executive Director of Dining Services
 - d. RBHS: Executive Director of Dining Services
- Alternatively, an outside vendor with a license to serve or sell alcohol may be hired.
- D. Unless otherwise prohibited by school, campus, department, student government, or funding board regulations or restrictions, student activity funds and admission fees may be used to purchase alcoholic beverages in connection with a sponsored event if approved by the senior Student Affairs professional on a campus (or designee) or appropriate School official (or designee).
- E. Per University Policy 40.2.9, State Accounts, and Circular, State of New Jersey, Department of the Treasury, Office of Management and Budget, No.: 06-14-OMB, departmentally allocated state funds may not be used for the purpose of purchasing alcoholic beverages.
- F. University officials may terminate an event at any time if there is a violation of state or municipal laws or university policies. Disorderly persons or those under the influence/impairment or alcohol or other drugs may be removed from the event by law enforcement personnel or other university officials.

VI. Compliance with the University Code of Student Conduct

- A. Individuals and/or student organizations that fail to abide by university policy and regulations governing the use of alcoholic beverages and other drugs may be subject to disciplinary actions in accordance with established procedures at department, school, and university levels. Failure to abide by the provisions of this policy may result in the denial of permission to use university property and/or funding for future events, as well as other disciplinary and/or legal procedures as appropriate, including suspension or expulsion from Rutgers University.
- B. Student organizations are collectively responsible for any action committed by their members, on behalf of the organization, that violates this policy. Disciplinary action against student organizations is separate from action taken against individuals. Facts of an incident may necessitate action against both a student organization and the individual members of that organization who were found to have violated this policy.
- C. The following are considered violations under the University Student Code of Conduct:
- i. ~~Unlawfully possessing or using drugs, narcotics, or controlled substances, or paraphernalia;~~
 - i. ~~Selling, transferring, or exchanging something in return for narcotics, prescription medications, or illegal substances on university property or between members of the university community;~~
 - iii. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance;
 - iv. Possessing or consuming alcohol under the legal drinking age in New Jersey;
 - v. Providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to insure that the person is of legal drinking age in New Jersey;
 - vi. Possessing alcohol in areas of campus where alcohol is not permitted;
 - vi-vii. Possessing or using marijuana on a Rutgers University campus;
 - vii-viii. Possessing or using medical marijuana on a Rutgers University campus; and
 - viii-ix. Sharing medical marijuana with individuals who do not have a medical marijuana prescription.
- D. **Disciplinary Fines may be imposed for alcohol and drug violations of the Code of Student Conduct.**
- E. Specific penalties for individuals found responsible for violations can be found in the University Code of Student Conduct (<http://studentconduct.rutgers.edu/university-code-of-student-conduct>).

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VII. Medical Amnesty from University Code of Student Conduct violations

- A. Students who seek emergency medical attention for themselves for a condition related to consumption of alcohol or illicit drugs will not be charged with related violations of the Rutgers University Code of Student Conduct ("UCSC"). "Related violations" include those set forth in Section VII, J.

For a student to receive Medical Amnesty protections, they must:

- i. Voluntarily present themselves to a health facility or agency for treatment or observation; or
- ii. Communicate the emergency directly to an emergency medical service or 9-1-1-, or to a University authority, including but not limited to: Rutgers University Police Department (RUPD), a Resident or Apartment Assistant (RA or AA), or a Community Service Officer (CSO).
- iii. The student must also attend a scheduled meeting with a Conduct Officer, or other authority as appointed by the Conduct Office, during which an educational or treatment intervention may be imposed.

This provision is rendered moot if there are any aggravating factors, which include but are not limited to: any other violation(s) of the UCSC, failure to attend a scheduled meeting with a Conduct Officer, or failure to comply with assigned educational or treatment interventions.

- B. Students who seek emergency medical attention for another person for a condition related to consumption of alcohol or illicit **drugs** may not be charged with violations of the UCSC. "Related violations" include those set forth in Rutgers Policy 10.2.11 Section VII.-J of the UCSC. For a student to receive these protections, they must:

- i. Accompany the afflicted party to a health facility for the intention of treatment or observation, or communicate the emergency directly to an emergency medical service or 9-1-1-, or to a University authority, including but not limited to: RUPD, an RA or AA, or a CSO; and
- ii. Remain with the afflicted individual through the communication of the emergency, and wait while emergency services proceed to the reported location; and
- iii. Cooperate with all emergency personnel and provide information and assistance when possible; and
- iv. Attend a scheduled meeting with a Conduct Officer, or other authority as appointed by the Conduct Office, to discuss the incident and recommendations for educational or treatment interventions.

This provision is rendered moot if there are any aggravating factors, which include but are not limited to: any other violation(s) of the UCSC related to this incident, failure to attend a scheduled meeting with a Conduct Officer, or failure to comply with assigned educational or treatment interventions.

- C. Medical Amnesty may not be used as a means for students to circumvent University policy. Protections afforded in this policy do not apply when:

- i. The student repeatedly violates provisions of this policy; or
- ii. There is sufficiently documented evidence of other related misconduct or UCSC violations by the student, including but not limited to disruptive behavior; or
- iii. The student does not comply with the protocols detailed in Sections VII A and B.
- iv. Conduct Officers on each campus reserve the right to determine on a case-by-case basis whether a student meets the requirements to receive Medical Amnesty under this policy.

VII. Instructional Contexts

All regulations and procedures are subject to amendment.
Page 9 of 10

Students should not to be required to attend class meetings, office hours, or other class-related activities that are held in locations where the consumption of alcohol and/or tobacco products is permitted. Students who do not wish to attend such activities are encouraged to speak with their instructors about excusing their absence. If a student does not feel comfortable speaking with the course instructor, teaching assistant (TA), or group adviser, the student should contact the Office of the Ombudsperson for Students who will intervene with the course instructor, TA, or group adviser on his/her behalf to arrange an alternative assignment of equal value.

Code change recommendations
Section N.

N. Use or possession of alcohol, narcotics, or other drugs:

1. Possessing or consuming alcohol by persons under the legal drinking age in New Jersey.
2. Possessing alcohol in areas on campus where alcohol is not permitted.
3. Unlawfully possessing or using drugs, narcotics, or controlled substances**
4. Misusing or misappropriating any prescription, over-the-counter medication, or legal substance.**
5. **Possessing or using recreational marijuana on any Rutgers University property*****
6. Possessing or using medical marijuana on any Rutgers University property***.
7. Driving under the influence of alcohol and/or other drugs.

**The University strongly encourages students to call a University official and/or medical professional for medical assistance for themselves or for community members who are dangerously under the influence of alcohol or other drugs.

Normally, students seeking medical treatment for the effects of drug or alcohol use will not be subject to University discipline for violations pertaining to drug or alcohol possession/use as outlined in this Code.

Medical Amnesty will be granted to both the intoxicated student and to the student seeking medical assistance for the intoxicated student, under the following conditions:

1. Both the intoxicated student and the reporting student will be required to meet with their respective campus' Office of Student Conduct/Community Standards to provide a detailed account of the events leading to the need for assistance.
2. Involved students may be required to participate in an educational program related to drugs or alcohol. Failure to participate in a required educational program may result in charges under this Code. Medical Amnesty does not apply to disciplinary action relating to any other code violation including, but not limited to, assault, property damage, or prohibited distribution of substances. Medical Amnesty does not apply to student organizations.

Normally, the person who called for assistance will be expected to remain at the scene with the intoxicated student until assistance arrives and to cooperate with medical and law enforcement personnel

on the scene.

***** Although New Jersey law now permits adults aged 21 or older to possess and consume marijuana under certain circumstances, federal law prohibits the possession, use, or distribution of marijuana, including for medical purposes, on Rutgers property or as part of a Rutgers University activity. Thus, even if possession or use of marijuana would be permitted under New jersey law, it remains prohibited on campus.**

UNIVERSITY POLICY

Policy Name:	No Smoking Policy				
Section #:	20.1.22	Section Title:	Administrative Policies, Procedures, and Services	Formerly Book:	60.1.10
Approval Authority:	Senior Vice President for Institutional Planning and Operations		Adopted:	5/14/1982 (University Regulation 30.36)	Reviewed: 6/6/2016
Responsible Executive:	Senior Vice President for Institutional Planning and Operations		Revised:	12/10/1993; 2/15/2006; 7/1/2013; 10/10/2013 (Updated title), 3/4/2016; 6/6/2016	
Responsible Office:	Institutional Planning and Operations		Contact:	Ghislaine Darden, gdarden@facilities.rutgers.edu	

Executive Vice President & Chief Operating Officer

1. Policy Statement

The policy outlines the prohibition of smoking in, and within 30 feet, of all university owned and operated buildings, as designated in section II.,A., including but not limited to University owned or leased vehicles and recreation areas. Moreover, this policy outlines the procedures to be undertaken to enforce this policy.

2. Reason for Policy

To provide guidelines regarding the prohibition of smoking in university buildings in compliance with New Jersey state law and applicable regulations and in compliance with Rutgers policy.

3. Who Should Read this Policy

All members of the Rutgers University community.

4. Resources

N.J.S.A. 26:3D-55, et seq. (known as the “New Jersey Smoke-Free Air Act”) and N.J.A.C. 8:6-1.1 et seq.
Rutgers University Policy 10.2.14 – Alcohol and Other Drugs Policy for Students
Rutgers Student Affairs Residence Life Smoking Policy

perhaps insert after "tobacco", cannabis, or any other

5. Definitions

“Smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains **tobacco** or any other matter that can be smoked or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

“Electronic smoking device” means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

6. The Policy

I. Introduction

In accordance with the New Jersey Smoke-Free Air Act, which was enacted by the Senate and General Assembly of the State of New Jersey, Rutgers, The State University of New Jersey ("Rutgers" or "University"), has adopted a policy to prohibit smoking in any portion of a building that is owned and operated by Rutgers.

II. Non-Smoking Areas

Smoking shall be prohibited in classrooms, lecture halls, auditoriums, and in any portion of a building used as a dormitory that is owned and operated by Rutgers. Smoking is prohibited within 30 feet of a building. This prohibition on smoking shall include gymnasiums, playing fields, and other recreational areas. Smoking is also prohibited in all University owned or leased vehicles. In addition, smoking and the placement of ash urn receptacles shall be prohibited in areas deemed to be main entrances to buildings owned and operated by the university. Electronic smoking devices are also prohibited in the same locations and in the same manner as set forth above.

III. Implementation

The prohibition on smoking is effective in all university and operated buildings within 30 feet of all entries, effective immediately. The ~~Senior Vice President~~ for Institutional Planning & Operations shall be responsible for informing all members of the university community about the ban.

Executive Vice President and Chief Operating Officer

The directors of Student Health Services on all campuses shall be responsible for providing educational opportunities and smoke cessation programs for any interested student or employee.

IV. Enforcement

Adherence to these regulations is mandatory and all faculty, staff, and students are expected to comply with them. Responsibility for enforcement of the regulations with respect to employees lies, in the first instance, with the department chair or the supervisor of the individual who is in violation of the regulations. Department chairs and supervisors should receive complaints and pursue them to resolution or, if resolution cannot be achieved, refer them in writing to the dean or department head.

Complaints about students residing in university housing should be directed initially to a residence life staff member and/or the executive director for residence life.

Consider adding a new paragraph under II. Non-Smoking Areas;

In accordance with Section 47 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, the use of cannabis is prohibited in any indoor or outdoor space on all campuses throughout the State of New Jersey.

I added this in because the aforementioned paragraph indicates that you can smoke within 30' of a building entrance, and that is not allowed with cannabis.

Cannabis Decriminalization Impact Task Force Report

Last Revised: 6/9/2021