

**Inspire
integrity by
speaking up.**

601: High Anxiety – The Drug Free Schools & Communities Act, the Drug Free Workplace Act, and the Legalization of Marijuana

2020 Higher Education Compliance Conference
Tuesday, June 2, 2020 from 11:00 – 12:00

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Presenters



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Roadmap

Today we are looking at how state initiatives legalizing recreational and/or medical marijuana impact our universities by considering the following:

The Drug Free
Schools and
Communities Act
and the Drug Free
Workplace Act

New recreational
and medical use
marijuana laws –
exploring Illinois
& other examples

How to address
conflicting federal
& state marijuana
mandates in your
Clery compliance
Program

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The Drug Free Schools and Communities Act and the Drug Free Workplace Act

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Two Federal Statutes

- Drug Free Schools and Communities Act (DFSCA)
 - Statute: [20 USC 1011i](#) (last amended 2008)
 - Regulation: [34 CFR 86.100 – 86.103](#) (last amended 1996)
 - Guidance: [Complying with the Drug-Free Schools and Campuses Regulations](#) (last amended 2006)
- Drug Free Workplace Act (DFWA)
 - Statute: [41 USC § 8101 - § 8106](#)
 - [41 USC § 8102](#) – Requirements for Federal contractors
 - [41 USC § 8103](#) – Requirements for Federal grant recipients
 - Regulation: [2 CFR § 182](#) – Government-wide Requirements for Drug-Free Workplace (Financial Assistance)



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DFSCA

- The DFSCA and the U.S. Department of Education's supporting regulations require that institutions of higher education (IHEs) adopt and implement programs "*to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of [their] activities.*"
- The IHE must certify it has adopted and implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees.
- The handbook, [Complying with the Drug Free Schools and Campuses Regulations](#), details how IHEs are to comply with the Act's *implementing regulations*.
- The two facets of the DFSCA we will look at today are:
 - Annual Program Notice to each student and employee
 - Biennial Review

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DFSCA – Annual Notice

- A notice must be sent to every university student and employee annually informing them of:
 - **Standards of conduct** that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the university's property or as part of any of the university's activities;
 - **A description of the applicable legal sanctions** under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
 - The description of the federal sanctions must provide a link to the [Federal Trafficking Penalties](#).
 - **A description of the health-risks** associated with the use of illicit drugs and the abuse of alcohol;
 - **A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs** available to employees or students; and
 - **A clear statement that the university will impose sanctions** on students and employees (consistent with local, State, and Federal law), **and a description of those sanctions**, up to and including expulsion or termination of employment and referral for prosecution, for violations of the required standards of conduct.
 - DOE guidance specifies that the notification should include a description of the range of sanctions for both students and employees.

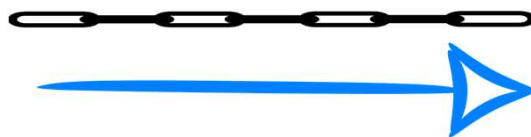
Source: [20 USC 1011\(a\)\(1\)](#)

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Annual Notice - Linking to a Website

- “An institution may distribute the annual disclosure by electronic mail if it wishes to do so. The method for such a distribution would require the institution to post the program material on its website and then send an e-mail message to each mandatory recipient that includes a direct link to the document.” ([DOE Itr Campus Crime Final Program Review Determination dtd August 11, 2017, OPE ID: 00124900, PRCN: 201340328581, page 52](#)).
- University of Illinois at Urbana-Champaign [Program Notice dated 2-18-2020](#)
- University of Illinois at Urbana-Champaign [Alcohol and Drug Prevention and Response Program website](#)



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DFSCA – Biennial Review

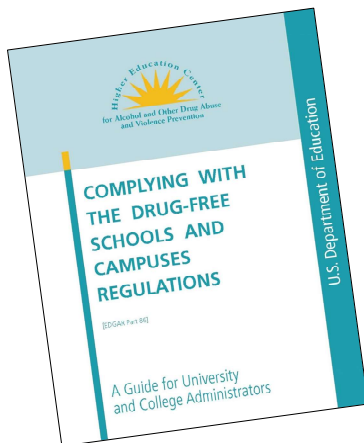
- Conduct a biennial review of the drug and alcohol abuse prevention program* to:
 - Determine the **program's effectiveness** and implement changes to the program if the changes are needed;
 - **Determine the number of drug and alcohol-related violations and fatalities that:**
 - Occur on the university's campus (as defined in the Clery Act) or as part of any of the university's activities; and
 - Are reported to campus officials;
 - **Determine the number and type of sanctions that are imposed by the university as a result of drug and alcohol-related violations and fatalities on the university's campus or as part of any of the university's activities; and**
 - Ensure that the sanctions are **consistently enforced**.
- Best practice: complete and retain the review on file by December 31 of each even-numbered year, with the report covering the previous two academic years.

* Source: [20 USC 10111\(a\)\(2\)](#)

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More on Program Effectiveness



- 1 Describe the alcohol and drug program elements
- 2 State program goals and discuss goal achievement
- 3 Provide summaries of program strengths and weaknesses
- 4 Describe procedures for distributing the annual notice to students and employees
- 5 Include copies of the policies distributed to students and employees
- 6 Provide recommendations for revising the program (emphasize evidence-based practice)

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Additional Biennial Review Elements

- Recent program reviews indicate that the biennial review report must contain, at a minimum, the following components:
 - A description of the research methods and data analysis tools used to determine program effectiveness.
 - Identification of the responsible official(s) or office(s) conducting the review.
 - A detailed description of how the institution measured program effectiveness and consistency of sanction enforcement.
 - A plan of action that details how the findings and recommendations identified during the review will be integrated into the program to improve its effectiveness.
 - A signature of the institution's chief executive officer (i.e., President or Chancellor) or governing board indicating approval of the report.

Source: Largely quoted from [The Resurgence of the Drug Free Schools and Communities Act: A Call to Action](#)

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Other Requirements



The DFSCA does not require that the biennial review be distributed to employees and students; however, the annual notifications and the results of the biennial reviews must be made available to the Secretary of the Department of Education and the public *upon request* (see [20 USC 1145g\(b\)](#))



Sanctions for noncompliance could include termination of financial assistance, but universities are typically fined up to the maximum amount permitted for a Clery Act violation ([currently \\$58,328](#))

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DFWA Requirements

- Federal contractors and grantees must:
 - Establish a drug-free awareness program to inform employees about:
 - the dangers of drug abuse in the workplace;
 - the policy of maintaining a drug-free workplace;
 - available drug counseling, rehabilitation, and employee assistance programs; and
 - the penalties that may be imposed on employees for drug abuse violations.
 - Publish a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of the prohibition.
 - All employees engaged in the performance of federal contracts and grants must be given a copy of the statement.
 - Notify employees in the statement that as a condition of employment on the contract/grant the employee will:
 - ☐ abide by the terms of the statement; and
 - ☐ notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

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DFWA (cont'd)

- Notify the contracting/granting agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of a conviction.
- Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted.
- Make a good faith effort to continue to maintain a drug-free workplace through implementation of the DFWA requirements.
- Failure to comply with the DFWA could lead to termination of the relevant contract or grant, as well as suspension or debarment from future contracts or grants.

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DFSCA & DFWA Review Checklist

Drug-Free Schools and Communities Act
Annual Notification & Biennial Review Requirements/Checklist
University of Illinois at _____
Review Date: _____

#	Requirement	Source	Discussion
Annual Notification			
1	Date last distributed	N/A	
2	Distributed to all employees	N/A	
3	Distributed to all students	N/A	
4	Means of distribution	N/A	
5	Content of Notice	20 USC 1011(a)(1)	
5.1	Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.	20 USC 1011(a)(1)(A)	
5.2	A description of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol.	20 USC 1011(a)(1)(B)	
5.3	A description of health risks associated with the abuse of alcohol or use of illicit drugs.	20 USC 1011(a)(1)(C)	
5.4	A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students.	20 USC 1011(a)(1)(D)	
5.5	A clear statement that the institution imposes disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.	20 USC 1011(a)(1)(E)	
Biennial Review			
6	Identification of the responsible official(s) or	DOE Program Review	

- To assist with verifying compliance with the DFSCA and the DFWA, we developed a review checklist.
- The checklist sets forth each requirement, the relevant citation, and provides space for explanatory comments.
- To indicate the level of compliance, we shaded the "Discussion" area relating to each requirement as green (satisfies), yellow (partially satisfies), or red (does not satisfy).
 - For any item shaded yellow or red, we include an explanation.
 - We share the completed checklist with the Drug & Alcohol Program Coordinator and assist in addressing any red and yellow items.
- Please see our handouts for a copy of the checklist.

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Takeaways

- Regarding **the DFSCA annual notice and the DFWA notice**, use the DFSCA & DFWA checklist to review your institution's notices and any linked websites/policies/brochures to ensure they contain all required information.
- With regard to **the Biennial Review**:
 - Suggest that whoever is preparing the Biennial Review re-read Chapter 3 of [Complying with the Drug-Free Schools and Campuses Regulations](#) and [The Resurgence of the Drug Free Schools and Communities Act: A Call to Action](#) to help put the Biennial Review requirements into context.
 - Plan/redesign your 2020 Biennial Review report now so it will include all required content.
 - Give any units furnishing data advance notice of any new requests so they can structure their data collection efforts accordingly, rather than trying to satisfy your data requirements on a tight timeline near year-end.



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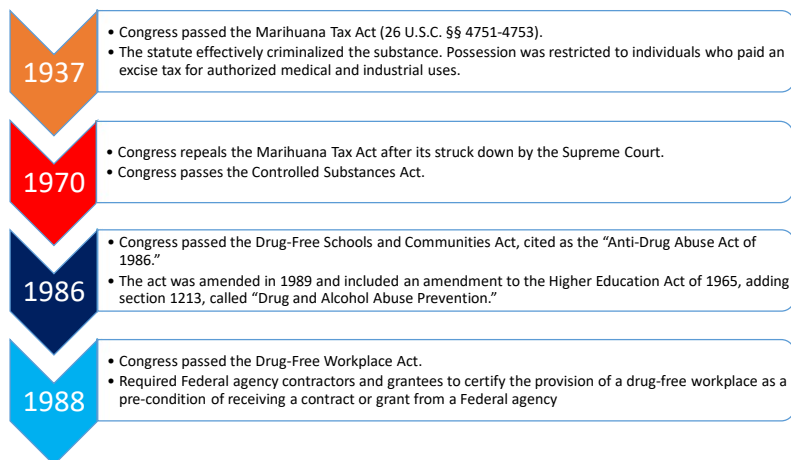
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Recreational and Medical Use Marijuana Laws

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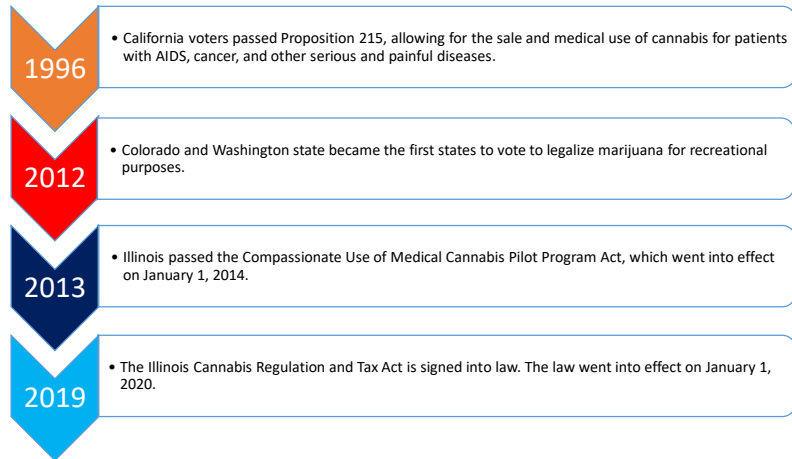
Timeline of Federal Regulation



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Timeline of Federal Regulation

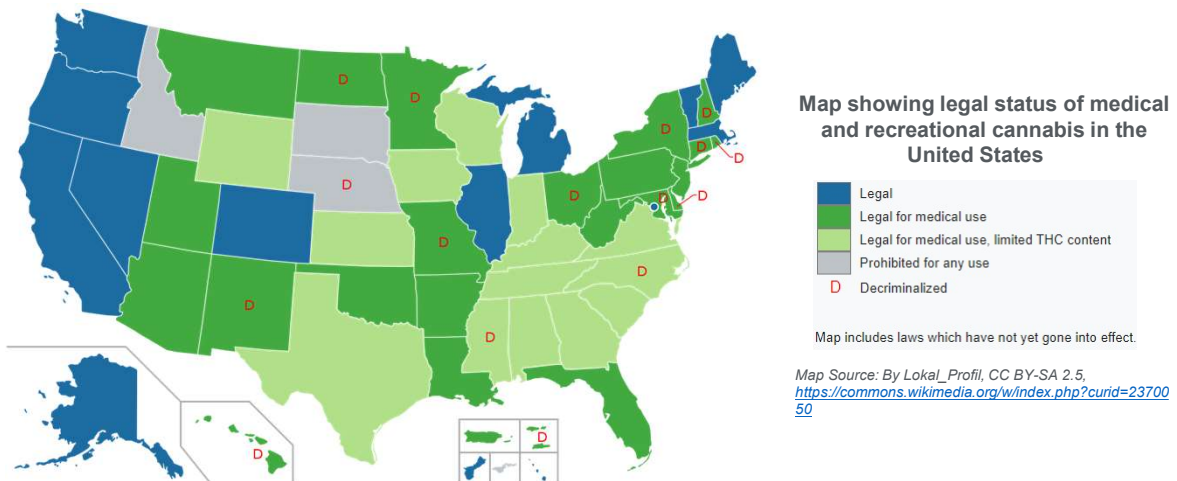


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The National Landscape

March 31, 2020



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Recreational Use of Cannabis

- **Illinois Cannabis Regulation and Tax Act** ([410 ILCS 705/](#))

- Effective 1/1/20, possession, consumption, use, purchase, obtaining, or transporting **cannabis paraphernalia** or **cannabis** not in excess of specified personal use quantities is legal **by persons 21 and older**.
- Personal use quantities:

	Illinois resident	Non-resident
Cannabis flower	30 grams	15 grams
THC contained in cannabis-infused product	500 milligrams	250 milligrams
Cannabis concentrate	5 grams	2.5 grams

- Public use, use in a motor vehicle, and transferring to a person under are 21 illegal.

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Medical Cannabis



- **Illinois Compassionate Use of Medical Cannabis Program Act**

- A registered **qualifying patient** is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board for medical use or possession of an **adequate supply** of cannabis.
 - Qualifying patient means a person who has been diagnosed by a certifying health care professional as having a debilitating medical condition.
 - A registry identification card identifies a person as being a qualifying patient.
 - Adequate supply means 2.5 ounces of cannabis or more with a valid waiver.
 - For licensed professionals to be exempt from consequences, the medical use of cannabis must not impair the licensed professional when practicing.
 - Certifying health care professionals are protected from sanctions when certifying cannabis would have therapeutic benefit for a patient's debilitating medical condition provided the qualified patient is under the professional's care and they properly evaluate the qualifying patient's condition.

- **Illinois Cannabis Regulation and Tax Act**

- Illinois residents who are *qualifying patients* may cultivate up to 5 cannabis plants over 5 inches tall.

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Violations

- **Illinois Cannabis Control Act** ([720 ILCS 550/](#))

- *Possession* of cannabis is illegal unless the Illinois Cannabis Regulation and Tax Act provides otherwise

- The Illinois Cannabis Control Act does not address the illegal *use* of cannabis

- **Penalties:**

- Possession of not more than 10 grams or 5 cannabis sativa plants – civil law violation (not counted by the Clery Act)
- Possession of more than 10 grams or 5 cannabis sativa plants – criminal violation (counted by the Clery Act unless the person is under 21 and there is no intent to deliver)
- Trafficking, manufacturing, delivery, or possession with the intent to deliver or manufacture – criminal violation (counted by Clery)



- **Illinois law** punishes *use* only when the person using or under the influence of cannabis is operating, navigating, or in actual physical control of any motor vehicle, boat, aircraft or snowmobile

- The penalties in all such cases are criminal and thus are counted by Clery

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Cannabis and Employees

- **Nothing in the Illinois Cannabis Regulation and Tax Act:**

- Prevents a public employer of law enforcement officers . . . paramedics, or firefighters from prohibiting or taking disciplinary action for the consumption, possession, sales, purchase, or delivery of cannabis or cannabis-infused substances while *on or off duty*.
- Prohibits an employer from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner. See [410 ILCS 705/10-50\(a\)](#).
 - An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a good faith belief that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position.
 - If an employer elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the employer must afford the employee a reasonable opportunity to contest the basis of the determination.

- **Accommodating disabilities** – discuss with your university counsel

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Pre and Post Hiring Cannabis Testing

- Cannabis can be detected in the body for 30 days or longer.
- There is currently:
 - No widely accepted equivalent of the alcohol breathalyzer to test for cannabis *impairment*;
 - No nanogram level indicative of *impairment*; or
 - Some states have set a nanogram level for driving under the influence of cannabis – Illinois is typical: If there is a THC concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance, *it shall be presumed that the person was under the influence of cannabis* (See [625 ILCS 5/11-501.2](#))
 - No way to distinguish between a positive test resulting from lawful recreational or medical use and unlawful use.
- Assess testing to see if it is *permitted* or *required* by law and is reasonable.
 - Pre-employment, reasonable suspicion/fitness for duty, post-accident, or random testing
 - U.S. Department of Transportation requires testing for commercial drivers.
 - Pre-employment screening for positions that don't merit it may result in the loss of qualified candidates.
 - If you don't need or can't use the cannabis test results, then why test?
 - Example: fitness for duty – tests do not indicate impairment, so train supervisors to identify indicators of impairment instead

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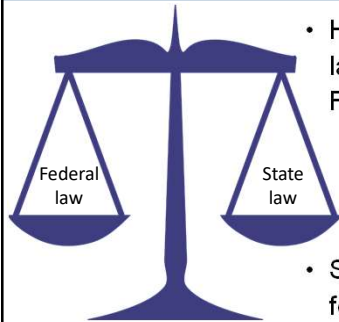
Requests to Support Cannabis Firms

- What if faculty or staff are asked to do research or other work related to cannabis by an outside firm or individual?
 - Determine if your state law addresses the issue, recognizing that the proposed activity may be illegal under federal law.
 - Evaluate the issue in terms of your university's conflict of interest policy—to be permissible, the work must be purely in the person's private capacity and not associated with the person's university duties/responsibilities.
 - Inform the person that should they choose to do the work, they cannot associate it with the university in any way and they are assuming the full risk associated with a potential violation of federal law.
 - Do not allow any university resources to be used in support of the person's personal efforts.
- See the Outside Work section of [Washington State University Guidance on Cannabis Research, Teaching, and Outreach Activities](#).

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Reconciling State and Federal Law



- How do universities reconcile state recreational use and medical cannabis laws with the federal Drug Free Schools and Communities Act and Drug Free Workplace Act?
 - Failure to comply with the federal law puts Title IV funding at risk.
 - Marijuana is a Schedule I controlled substance under the federal Controlled Substances Act.
- State laws implicitly or explicitly recognize universities must abide by federal law:
 - Illinois Cannabis Regulation and Tax – **Nothing in this Act shall require an individual or business entity to violate the provisions of federal law, including colleges or universities that must abide by the Drug-Free Schools and Communities Act Amendments of 1989, that require campuses to be drug free.** See [410 ILCS 705/10-35\(d\)](#).

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Rolling It All Together: Clery Compliance

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Clery Act Requirements

- The Clery Act ([20 USC 1092\(f\)](#)) specifies the annual security report must include:
 - Statistics concerning arrests or persons referred for campus disciplinary action for drug-related violations (see subsection (1)(F)(i)(IX))
- Clery Act regulations ([34 CFR 668.46](#)) require the annual security report include the following:
 - (b)(9) - A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws. (See also 10 USC 1092(f)(1)(H))
 - (b)(10) - A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the Higher Education Act (HEA), otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA. (See also 10 USC 1092(f)(1)(H))

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Counting Cannabis Referrals

- Persons referred for disciplinary action for drug abuse must be considered for counting in the annual Clery crime statistics
- Do not include violations of your institution's policies if there was no violation of the law ([Clery Handbook 3-42](#))
 - This means you don't count civil violations
 - In Illinois, whether a violation is criminal or civil depends upon a number of factors, including age, state of residence, cannabis quantity, and medical usage
 - To assist with determinations, we prepared a Drug Referral matrix that indicates whether a referral needs to be counted for Clery purposes
 - The matrix links to the relevant statutory provision for easy verification

Drug Referrals in Illinois
Counting for Clery Act Reporting
Rev. 6.3.2020

Key to abbreviations:
CCA - Cannabis Control Act (20 ILCS 1009)
CPSA - Cannabis Regulation and Tax Act (430 ILCS 205)
CUMCPA - Compassionate Use of Medical Cannabis Program Act (430 ILCS 130)
ICMA - Illinois Controlled Substances Act (20 ILCS 1200)
IDPCA - Drug Paraphernalia Control Act (20 ILCS 1000)
Illinois Registry Identification Card is a document issued by the Illinois Department of Public Health that identifies a person as a registered qualifying medical cannabis patient or registered designated caregiver. (430 ILCS 130/20)

Illinois resident: Individuals can establish their primary residence in Illinois by providing any 2 of the following: (1) a signed lease agreement that includes the applicant's name; (2) a property deed that includes the applicant's name; (3) school records; (4) a voter registration card; (5) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; (6) a paycheck stub; (7) a utility bill; (8) tax records; or (9) any other proof of residency or other information necessary to establish residence as provided by rule. (430 ILCS 205/3.10)

Situation	Clery Considerable	Statutory Reference	Notes
Cannabis and persons under 21			
Cannabis - Possession by person under 21 of any quantity <u>with</u> or <u>without</u> a valid Illinois Registry Identification Card	No	Section 10-10-10 of CCA, Section 10-10-10 of CPSA, and Section 205 of the CUMCPA	Either lawful or civil penalty; however, if it's possession with intent to deliver, evaluate under that offense (below in General Applicability section)
Cannabis and Illinois Residents 21 and over			
Cannabis - Possession of more than 10 grams of Cannabis flower, 500 milligrams of THC, contained in a ingestible-infused product, or 5 grams of cannabis concentrate, by a person 21 or older who is a resident of Illinois <u>with</u> a valid Illinois Registry Identification Card	Yes	Section 10-10-10 of CCA and 430 ILCS 130	Quantities are cumulative.
Cannabis - Possession of more than 10 grams of Cannabis flower, 500 milligrams of THC, contained in a ingestible-infused product, or 5 grams of cannabis concentrate, by a person 21 or older who is a resident of Illinois <u>with</u> a valid Illinois Registry Identification Card	Cannabis Use determination required	Section 10-10-10 of CCA and Section 210 of the CUMCPA	Registered medical cannabis users may possess an "adequate supply" of medical cannabis. You will need to research the particular condition to determine if the possession is lawful.

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Please see our handouts for a copy of the matrix.

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U of I Cannabis Policy Statement

- Working with University Counsel, HR, and the Drug & Alcohol Program Advisors from our 3 universities, we developed the following standard language for our Clery reports:

Under the federal Controlled Substances Act, marijuana is classified as a Schedule 1 controlled substance and is illegal. Consistent with that Act and the federal Drug Free Schools and Communities Act and the Drug Free Workplace Act, the university prohibits the unlawful or unauthorized possession, use, distribution, dispensation, sale, or manufacture of marijuana on University property or as part of any University activity. **The passage of the Illinois Cannabis Regulation and Tax Act in 2019, which legalizes certain activities related to marijuana under Illinois state law effective January 1, 2020, does not affect federal law or the university's marijuana prohibition.**

In addition, the university's marijuana prohibition applies to both recreational and medical use. **That means having a medical marijuana registry identification card under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act does not allow you to use or possess marijuana on University property (this includes but is not limited to outdoor spaces, classrooms, and residential halls) or as part of any University activity.**

- We used this same text in the annual DFSCA program notifications and other reminders sent in the weeks before and after the Illinois recreational use law went into effect.

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Another Policy Statement Example

Colorado State University

The use and possession of marijuana is prohibited on campus. The potential health and behavioral impacts of marijuana do not fit with CSU's mission as an academic institution and a safe, fast-paced, high-functioning work environment. Possessing, using, or selling marijuana continues to be prohibited on campus and during university activities. Federal agencies continue to enforce federal law against those who facilitate the illegal use of marijuana, despite state law.

Colorado constitutional amendment 64 legalizes certain activities related to marijuana under Colorado law, yet Amendment 64 specifically authorizes the university – as a school and an employer – to prohibit the possession and use of marijuana. In addition, although Amendment 64 passed in Colorado, marijuana remains illegal under the federal Controlled Substances Act, which prohibits marijuana possession and use. This federal law applies to recreational and medical uses of marijuana. It is not a defense that the person holds a medical marijuana card.

Students and employees who violate this policy are subject to university discipline.

The use of marijuana in the workplace is also restricted by federal laws such as the federal Drug-Free Workplace Act and the federal Drug-Free Schools and Communities Act. These federal laws require the university to prohibit the use of marijuana on campus.

The Colorado State University Police Department, along with Student Conduct Services, enforces the campus-wide prohibition of marijuana.

Colorado State University (continued)

CSU strives to maintain a safe workplace. Employees who are under the influence of marijuana, just like with alcohol, create serious safety risks when operating machinery or working with potentially hazardous materials or substances in the workplace.

While performing their job duties:

- CSU employees are prohibited from consulting or assisting with the cultivation, sale, distribution, or use of marijuana
- Any employee who provides such assistance shall be acting outside the scope of his or her employment and assumes personal liability for such action
- CSU is not required to accommodate an employee's medical or recreational use of marijuana
- Illegal drug use is a bar to acquisition or renewal of a federal security clearance

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More Examples of Policy Statements

- [University of Vermont](#)

Of specific note, the possession and use of cannabis (defined as the parts, products, and non-hemp derivatives of the plant cannabis sativa, indica, ruderalis and hybrid strains, including medical marijuana) on University property and at University activities is strictly prohibited by UVM policy, regardless of any state law to the contrary. Cannabis is a Schedule 1 Controlled Substance under the Controlled Substances Act and is strictly prohibited under federal law. Both the furnishing of cannabis to and possession of cannabis by parties under 21 years of age is also illegal under Vermont state law. Purchasing or furnishing cannabis or other illicit drugs to an underage person, or enabling an underage person to access, purchase, or consume cannabis or other illicit drugs is strictly prohibited by UVM Policy.

- [University of Colorado Boulder](#)

Please note that the 2012 passage of Colorado's Amendment 64 (legalization of small amounts of marijuana) does not affect any drug law as it pertains to those under the age of 21. The consumption of marijuana in campus buildings and outdoor areas of campus is prohibited by federal law and CU Boulder policy. For frequently asked questions on Amendment 64, please visit the CU Boulder website.

- [Michigan State University](#)

The use or possession of marijuana on any property owned or managed by MSU, and by MSU's faculty, staff, or students on any MSU property or during off-campus MSU business or events remains illegal and fully criminalized according to federal law.

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Additional Clery Report Content

Education Programs

Your Clery report should either include drug or alcohol abuse education programs or cross-reference to your DFSCA content.

Example: University of Illinois at Chicago includes program information in its report [on page 96](#).

Drug Free Workplace Act

You may also choose to include in your Clery report a reminder to employees about your DFWA notices, although it is not required.

Example: University of Illinois at Chicago includes DFWA information in its report [on page 97](#).



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Questions & Contact Information



- **Contact information**

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The logo for the University of Illinois System, featuring a horizontal bar with three segments of orange, red, and blue.