

## ACADEMIC POLICIES

**For a general overview of the Academic Policies, which most affect students, please see the Academic Section of the Student Handbook. For a complete listing, see the most recent CMA Catalog.**

### **(A) POLICY ON ALCOHOL**

In compliance with the Federal Drug Free Schools and Communities Act of 1989, the California Maritime Academy prohibits the use, sale or distribution of alcohol by students, faculty, and staff on its property, training vessels, or as part of any Academy sponsored activities. This prohibition extends to any off-campus activities that are sponsored by CMA or any of its recognized clubs and organizations. Cal Maritime cadets, faculty, staff, and visitors are responsible for their own citizenship. They are expected to abide by all campus policies, federal, state, and local ordinances and are answerable to law enforcement authorities for law violations.

The purpose of this policy is to provide faculty, staff, campus organizations, and their invited guests with a clear understanding of the conditions under which alcoholic beverages are permissible at the Academy or at CMA sponsored events, regardless of location. Off-campus individuals and organizations contracting for use of campus facilities are also subject to this policy. The use of alcoholic beverages is a privilege that carries the expectation that its use will be consistent with the academic and training mission of the institution, and that its consumption will be incidental to the event at which it is served. This privilege is revocable, in whole or in part, at any time by the President of the California Maritime Academy.

- (1) The lawful possession, sale, dispensing, and consumption of beer and wine on campus are permitted with the prior approval of the President, CMA, or the President's designee.
- (2) The possession or consumption of distilled spirits on campus is prohibited at all times.
- (3) The possession, licensed sale, dispensing, and consumption of alcoholic beverages of any kind off-campus at CMA-sponsored events or activities is permitted only with the prior approval of the President, CMA, or the President's designee.
- (4) The possession and use of alcoholic beverages is strictly limited by State law to those persons 21 years of age or older; at no time may alcoholic beverages be served to persons under the legal drinking age at any event sponsored by CMA.

#### **Covered Employees/Cadets/Others:**

(1) All CMA employees and cadets are affected by the Federal Drug Free Schools and Communities Act of 1989, as well as, Faculty/Staff Organizations, Alumni Association, Auxiliary Support Groups, Off-Campus Individuals/Groups, or Clubs and Organizations.

#### **Alcoholic Beverage Approval Process**

Requests for the use of alcoholic beverages must be submitted reasonably in advance of the planned activity to the President. Administrative responsibility for reviewing and approving requests for conditional use of alcoholic beverages is assigned as follows:

- (1) Requests from On-Campus Student Organizations, ASCMA, or Corps of Cadets. Requests from student organizations, ASCMA, or Corps of Cadets to sell, distribute, or use alcoholic beverages on campus must receive prior approval from the President.
  - a. Alcoholic beverages may not be financed from ASCMA funds.
  - b. Alcoholic beverages may be served only in areas where food is served.

(2) Requests from Staff/Faculty or Staff/Faculty Organizations, Alumni Association, Auxiliary Support Groups, or Off-Campus Groups. Requests to sell, use, or distribute alcoholic beverages on campus must receive prior approval from the President, CMA, or the President's designee.

#### **On-Campus Sale of Alcoholic Beverages**

Beer or wine may not be sold on campus by any student, faculty, or staff organization, or by off-campus individuals or organizations, except under the following condition.

The sale of alcoholic beverages requires a special event permit issued by the Alcoholic Beverage Control Department of the State of California. "Selling" alcoholic beverages in California includes an exchange for money, tickets, tokens, donations, or anything else of value.

Prior approval by the President for such sale of alcoholic beverages must be obtained.

#### **Responsibilities of Sponsoring Organization**

In sponsoring a function where alcoholic beverages are served, the organization and its officers accept the following responsibilities and conditions:

- (1) To observe all applicable state laws and CMA policies.
- (2) To assume responsibility for all damages incurred during the activity.
- (3) To clean and restore the event facility to its original condition.
- (4) To maintain decorum appropriate to the Academy.
- (5) To limit participation in a sponsored event to the membership of the sponsoring organization and their invited guests.
- (6) To refrain from advertising to the public or campus community the availability of alcoholic beverages or otherwise using alcoholic beverages as an event inducement.
- (7) To provide for the distribution of non-alcoholic beverages and these must be served in the same manner as alcoholic beverages.
- (8) To assure that no minor or intoxicated person is served alcoholic beverages. It is the responsibility of the organization to ensure that only those of legal drinking age consume alcoholic beverages.
- (9) A specific individual must be designated as a server who must also verify the proof of age of those being served. Self-service is prohibited. The server must be at least 21 years of age.
- (10) Food must be served at all events at which alcohol is available.
- (11) Alcoholic beverages may not be removed from the room within which the service of alcoholic beverages has been approved.
- (12) The use of common containers of alcoholic beverages (such as punch bowls, trash cans, etc.) is prohibited.
- (13) Drinking games of any kind are prohibited.
- (14) For off-campus events, transportation to and from the event site must be provided by the sponsoring organization, such as, designated drivers.

### **Consumption of Alcohol Aboard Training Ship**

CMA is required to comply with U.S. Coast Guard regulations regarding the consumption of alcohol and the operation of maritime vessels (35 CFR Part 95). These regulations apply to all crewmembers, including licensed officers, pilots, faculty, staff, cadets, and any watchstanders.

(1) The possession or consumption of alcoholic beverages on board the Training Ship is prohibited at all times. Exceptions are limited to dockside receptions sponsored by the President as part of the official business of the California Maritime Academy, and require the prior authorization of the CMA President or Master of Training Ship GOLDEN BEAR (TSGB).

(2) No person shall perform or attempt to perform any scheduled duties within four hours of consuming any alcohol or be intoxicated at any time while on board the Training Ship.

(3) The U.S. Coast Guard has established an alcohol blood limit of .04 percent by weight for any person operating a maritime vessel. Any crewmember returning to the ship who is having difficulty walking, talking, behaving inappropriately will be required to take a chemical test.\* If the results of that test indicate that the individual is above the 0.04 standard, shipboard disciplinary action will be taken. The decision to test or not to test shall be made by the faculty officer on watch.

(4) A crewmember who refuses to undergo a timely chemical test, or fail the test, may be separated from the Training Ship, after appropriate disciplinary action, and returned to Vallejo at their own expense.

\*Chemical test means a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids or tissues for evidence of intoxication. Test must be administered by a trained individual.

### **Alcohol Testing**

Alcohol screening tests can be done by saliva or breath testing. They are conducted in two steps: first the screening test and then the confirmation test, if needed. If the Academy is using a saliva test and is notified that the individual being tested has not provided a sufficient amount for testing, the Academy must arrange for breath testing. Positive alcohol screening tests conducted by saliva testing are confirmed by breath testing. Positive screening breath tests are confirmed by administering another breath test. These alcohol tests results are available immediately. Individuals testing negative return to their duties. An acceptable blood alcohol is if the individuals test result is lower than 0.02%, no further action is required. If an individual test result is between 0.02-0.039, he/she is temporarily removed from safety sensitive duties. The individual can not be returned to duty until he/she tests less than 0.02% but not less than 8 hours following a test. If the test result is 0.04 or greater, the crewmember will be removed from duty and referred to appropriate administrator; such as COTS or designee and/or the Director, Human Resources as well as a Substance Abuse Program for assessment and counseling. If a individual can not supply a sample, he/she will be asked to get a medical evaluation within five days. If there are no medical explanations it is a refusal to test.

### **At Sea:**

All crewmembers are reminded that the Federal blood alcohol standard for intoxication is 0.04%. The training ship is equipped with a saliva and/or breath-testing device. Any crewmember who is in a duty status and suspected of intoxication will be tested. Non-duty personnel may be tested for cause. In addition, alcohol is not to be consumed or carried on to the training ship with the exception of in port functions approved by the President, CMA. All appropriate action will be taken against anyone who is found to exceed the above-stated standard.

### **SUMMARY OF CALIFORNIA STATE LAW PERTAINING TO ALCOHOL**

(1) No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under age 21 or to any obviously intoxicated person.

(2) No person under age 21 may purchase alcoholic beverages or possess alcoholic beverages on any street or highway or in any place open to public view.

(3) It is illegal to sell alcohol without a valid license or permit.

(3) It is unlawful for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol (note: intoxication is presumed at blood levels of .08% or higher, and may be found with blood alcohol levels from .05% to .08%). It is also illegal to operate a bicycle, water vessel, water ski, or aquaplane while intoxicated.

(4) Penalties: Penalties for a first drunk-driving conviction include attending an alcohol education program, fines up to \$1,000, up to six months in jail, and a driver's license suspension up to six months. Second offenses are punishable by fines up to \$1,000, imprisonment up to one year, driver's license suspension up to 18 months, and/or a required alcohol rehabilitation program of up to 30 months. Third and fourth offenses carry similar sanctions, plus three and four year license revocations, respectively. Driving privileges are suspended for six months for refusing to submit to a blood alcohol test, for two years if there is a prior conviction within seven years, and for three years with three or more convictions within seven years.

*In compliance with the federal Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1145g), the California Maritime Academy prohibits the unlawful possession, use, sale, or distribution of alcohol and illegal drugs by students, faculty, and staff on its property, training vessels, or as part of any Academy-sponsored activities. This prohibition extends to any off-campus activities that are sponsored by CMA or any of its recognized clubs and organizations.*

## **(B) DRUG TESTING POLICY**

It is the policy of the California Maritime Academy (CMA) to establish an environment free from the adverse effects of alcohol and substance abuse. The Academy will annually notify all cadets of its drug and alcohol program. The CMA standard of conduct requires all cadets not to use illegal drugs, abuse alcohol and/or prescription drugs. To combat the misuse and abuse of alcohol and other chemical substances all cadets must abide by this policy. The Academy will conduct drug and alcohol testing in compliance with the Federal Drug Free Schools and Communities Act of 1989 (20 U.S.C. § 1145g, commonly referred to as Part 86 of EDGAR), the Omnibus Transportation Employees Testing Act of 1991, and Title 46 and 49 of the Code of Federal Regulations. The Academy will conduct mandatory drug testing as required under the auspices of the Department of Transportation, United States Coast Guard for , cadets and crewmembers.

### **A credentialed crewmember is defined as an individual who holds:**

A License  
A Merchant Mariners Document, or  
A Certificate of Registry

### **A crewmember is an individual who is:**

- (1) On board a vessel acting under the authority of a license, Certificate of Registry or a merchant mariners document regardless of whether the individual is a member of the vessel's crew  
OR
- (2) Engaged or employed on board a vessel owned in the U.S. that is Required by law to engage, employ or be operated by an individual holding a license, certificate of registry, or merchant mariner's document.

CMA provides training, education and other assistance to cadets to help them understand their responsibilities in achieving a safe and drug-free environment. Non compliance with this policy or violation of the regulations may result in severe disciplinary action including suspension or dismissal. The Federal Drug