

**BOARD OF REGENTS  
BRIEFING PAPER**

**Agenda Item Title:** Proposed Amendments Regarding Medical Marijuana to Title 2, Chapter 6, Section 6.2.1(ee) and Chapter 10, Section 10.2.1(t) Regarding Medical Marijuana

**Meeting Date:** December 4-5, 2014

**1. BACKGROUND & POLICY CONTEXT OF ISSUE:**

The Board adopted new Section 32, Possession and Use of Medical Marijuana, in Title 4, of the Board of Regents' Handbook at its September 2014 meeting. These Code amendments were presented for information at the September Board and are necessary in order to conform the Code disciplinary provisions with the new policy.

**2. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

The proposed Code amendments (Title 2, Ch. 6, Sec. 6.2.1(ee) and Title 2, Ch. 10, Sec. 10.2.1(t)), clarify that possession, use or cultivation of medical marijuana is prohibited any NSHE or NSHE foundation owned or leased property, or at any NSHE sponsored or authorized activity.

**3. WHY NOW?**

These Code amendments are necessary in light of the Board's adoption of the policy on Possession and Use of Medical Marijuana in Title 4, Chapter 1, Section 32.

**4. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- The Board has adopted a policy against the use, possession or cultivation of medical marijuana at its September 2014 meeting.
- The proposed Code amendments align the employee and student disciplinary provisions with the new policy.
- The proposed Code amendments clarify that use, possession or cultivation of medical marijuana is prohibited.
- The proposed Code amendments were presented for information at the Board's September 2014 meeting.
- The proposed Code amendments may now be approved by the Board.

**5. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

None.

**6. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

None. These amendments are necessary to conform the Code disciplinary provisions with the Board Policy in Title 4, Chapter 1, Section 32.

**7. COMPLIANCE WITH BOARD POLICY:**

Consistent With Current Board Policy: Title #4 Chapter # 1 Section # 32  
Amends Current Board Policy: Title #2, Ch. 6, new Sec. 6.2.1(ee), and Title 2, Ch. 10, Sec. 10.2.t.  
Current Procedures & Guidelines Manual: Chapter #      Section #       
Other:  
 Fiscal Impact: Yes      No X

Explain: \_



## **Section 32. Possession and Use of Medical Marijuana**

The Nevada System of Higher Education is sympathetic to the medical needs of our students, employees and visitors. A growing number of states, including Nevada, are enacting laws decriminalizing or legalizing the use, possession, delivery, manufacture, growth, distribution, production, and/or cultivation (hereinafter "use") of medical marijuana. Federal law prohibits the use of medical marijuana on college and university campuses that receive federal funding. The following provisions shall govern the possession and use of medical marijuana on NSHE property.

1. The use, possession, or cultivation of marijuana, including for medical purposes, on any NSHE or NSHE foundation owned or leased property, or at any NSHE sponsored or authorized activity, is expressly prohibited.
2. Students, employees, faculty, guests, and/or visitors who violate this policy are subject to applicable disciplinary, legal and/or administrative action.
3. Each institution shall permit students who live on-campus or in housing that is owned or operated by the institution, to petition ("request") for a release from the housing contract if they assert legal compliance with Nevada state law to use medical marijuana. Such students, who prove their compliance with state law, may, in accordance with the applicable institution refund policy, be released from their housing contracts and may receive a prorata refund of housing fees or rent paid.
4. Each institution shall publish on its website and in its course catalog notice of the prohibited use, possession or cultivation of medical marijuana on NSHE or institution property in accordance with the provisions of this section and as prohibited student conduct defined in Title 2, Chapter 10.
5. The Board of Regents recognizes the Nevada Legislature's stated commitment to a program evaluating the medical use and distribution of medical marijuana to be conducted by the University of Nevada School of Medicine. Any NSHE institution may engage in medical marijuana research that is conducted in accordance with state and federal laws and regulations, provided that the following are obtained: (a) the prior written consent of the president of the institution, after consultation with the institution's general counsel; and (b) legal authorization from the proper federal authorities for approved research purposes.

(B/R 9/14)

**POLICY PROPOSAL**

**TITLE 2, CHAPTER 6, new SECTION 6.2.1(ee)**

**Prohibited Employee Conduct – Controlled Substances and Medical Marijuana  
Use**

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**6.2.1 Prohibited Activity – Faculty Only.**

...

*(ee) Use, possession, manufacturing or distribution (hereinafter “use”) of marijuana, heroin, narcotics, or other controlled substances, use or possession of any illegal and/or unauthorized drugs, prescription drugs, and drug paraphernalia or being under the influence of illegal drugs except as expressly permitted by law. Use, possession or cultivation of medical marijuana on any NSHE or NSHE foundation owned or leased property, or at any NSHE sponsored or authorized activity, is expressly prohibited.*

...

**POLICY PROPOSAL**  
**TITLE 2, CHAPTER 10, SECTION 10.2**  
Prohibited Student Conduct – Medical Marijuana Use

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**10.2.1 Prohibited Conduct.**

The following conduct is prohibited:

...

- (t) Use, possession, manufacturing or distribution (*hereinafter “use”*) of marijuana, heroin, narcotics, or other controlled substances, use or possession of any illegal and/or unauthorized drugs, prescription drugs, and drug paraphernalia or being under the influence of illegal drugs except as expressly permitted by law. *Use, possession or cultivation of medical marijuana on any NSHE or NSHE foundation owned or leased property, or at any NSHE sponsored or authorized activity, is expressly prohibited.*

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