

**THE EFFECTS OF
MARIJUANA LEGALIZATION AND
DECRIMINALIZATION
ON CAMPUS SAFETY AT
INSTITUTIONS OF HIGHER EDUCATION**

**Findings of a Critical Issues in Campus Public
Safety Forum with Campus Safety Leaders**

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Executive Summary

The number of institutions of higher education (IHEs) that operate in states where marijuana use is now legal or decriminalized is expanding, and those changes are creating new challenges for campus safety officials at IHEs across the United States. In particular, IHEs in many states — regardless of marijuana’s legal status there — are finding it necessary to change how they detect and manage drug use on campus, as well as how they conduct day-to-day campus safety operations in a world of legal or decriminalized marijuana.

Many campus safety teams are experiencing challenges with these changes. For example, a growing body of conflicting state and federal regulations has made it difficult to determine what IHEs can require of students and employees in terms of drug use on and off campus. IHEs in states bordering those where marijuana is legal or decriminalized are also experiencing effects of trafficking. On top of this, the chemical nature and physical form of marijuana has changed significantly in the last 20 years, which can make the consumption and use more difficult for campus officials to detect. Users may also face health and safety challenges due to the drug’s increased potency. In their efforts to provide safe environments for their communities, IHEs can struggle to maintain the personnel, funding, training, and technology to address these challenges.

To identify specific challenges IHEs face with regard to marijuana legalization and decriminalization, the National Center for Campus Public Safety (NCCPS) facilitated an emerging issues forum on June 10, 2016. This initiative aligns with the role established by Congress and the U.S. Department of Justice (DOJ) for the NCCPS to serve as a national resource for addressing critical issues in campus public safety.

The forum included campus safety leaders from eleven IHEs in seven states. The participants did not evaluate specific efforts or policies at specific institutions. In addition, although state marijuana laws are changing rapidly, it was not the intent of this forum to find evidence in support of or in opposition to those changes. Forum participants were tasked with identifying public safety challenges associated with changes in marijuana laws and recommending promising practices for addressing those challenges.

The forum participants developed consensus on the following findings:

- The world of marijuana is changing faster than educational, training, and enforcement efforts can keep pace with.
- Conflicts between federal and state laws and a lack of national data-collection standards are complicating nearly all aspects of addressing marijuana on campuses.
- IHE campus safety agencies need up-to-date drug-detection technology, more funding, and better options for managing drug offenses efficiently.

- Legalization and decriminalization of marijuana has meant adjustment to many IHEs' student conduct and employment policies.
- As marijuana use grows, reputation management will become increasingly important for IHEs that want to preserve and promote student success.

Forum participants also developed an array of recommendations for addressing the challenges IHEs face related to marijuana legalization and decriminalization.

Background

Marijuana is the most commonly used illicit drug in the United States, and its popularity is growing. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), of the 27 million Americans age 12 and older who in 2014 reported using illicit drugs within the previous month, 82% said they used marijuana of some kind. Among all Americans over age 12, marijuana use also hit a 13-year high in 2014 — 8.4% reported using it in the prior month. Among college-age adults, marijuana use also hit a 13-year high in 2014 — 19.6% reported using it in the prior month.¹ According to the White House Office of National Drug Control Policy, the average age of first use is 17.5 years old.² Additionally, nearly half (49%) of Americans have tried marijuana at some point in their lives, according to the Pew Research Center.³

Just as the prevalence of marijuana is growing, so too are opinions about the drug, particularly with regard to its legal status. For example, in 1990, just 16% of adults said marijuana use should be legal; today 53% of adults believe it should be legal, according to the Pew Research Center.⁴ In addition, according to research by the National Institutes of Health, fewer people believe marijuana is harmful and some research indicates that declines in these perceptions are predictive of increases in use.⁵



¹ Substance Abuse and Mental Health Services Administration, “Behavioral Health Trends in the United States: Results from the 2014 National Survey on Drug Use and Health,” <http://www.samhsa.gov/data/sites/default/files/NSDUH-FRR1-2014/NSDUH-FRR1-2014.pdf>

² White House Office of National Drug Control Policy, <https://www.whitehouse.gov/ondcp/frequently-asked-questions-and-facts-about-marijuana>

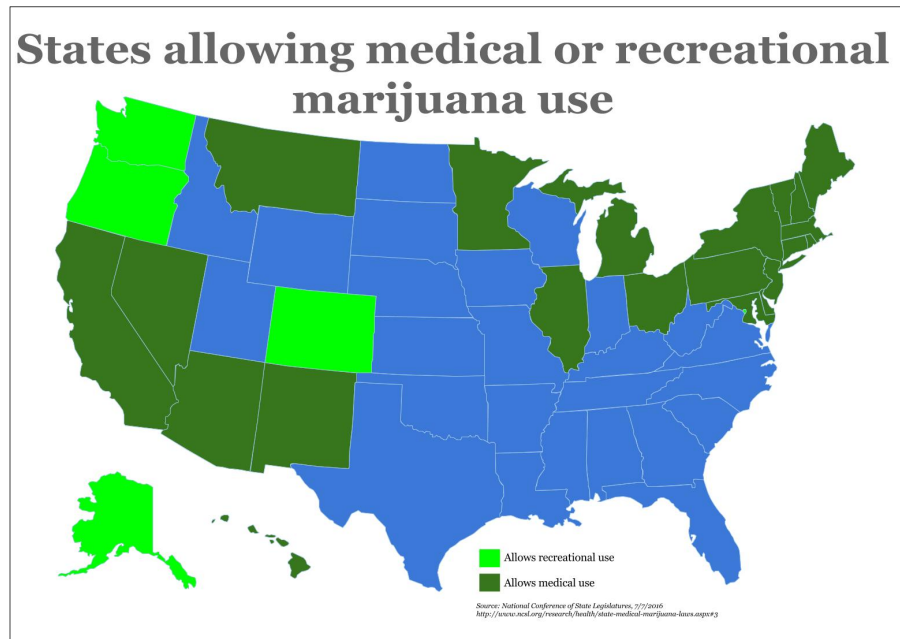
³ Pew Research Center, “6 Facts About Marijuana,” <http://www.pewresearch.org/fact-tank/2015/04/14/6-facts-about-marijuana/>

⁴ Pew Research Center, “6 Facts About Marijuana,” <http://www.pewresearch.org/fact-tank/2015/04/14/6-facts-about-marijuana/>

⁵ National Institutes of Health National Institute on Drug Use, “Monitoring the Future: National Survey Results on Drug Use, 1975-2010,” http://monitoringthefuture.org/pubs/monographs/mtf-vol1_2010.pdf

Many states have responded to changing attitudes about marijuana by relaxing their restrictions on the drug. As of the date of this forum, 21 states permitted marijuana use for medical purposes.

Another five — Alaska, Colorado, Oregon, Washington, and the District of Columbia — allow recreational possession and consumption generally among people 21 and older, according to the National Conference of State Legislatures.^{6,7} As a result, many Americans now live in a state where some degree of marijuana use is decriminalized or legal.⁸ At the federal level, however, marijuana consumption is still illegal in all 50 states, even for medical purposes.



On August 29, 2013, the Department of Justice took note of the growing conflicts between state and federal laws and issued written guidance to federal prosecutors concerning marijuana enforcement under the federal Controlled Substances Act in states that have legalized or decriminalized the drug.⁹ Part of that guidance suggests federal acceptance of state regulation if states continue to, among other things, prohibit access to marijuana by minors, implement measures to prevent diversion of marijuana outside the regulated system and to other states, and track revenues from the sale of the drug. The guidance also indicates the Department of Justice may challenge the regulatory structures of states that do not demonstrate robust efforts on those fronts, and it may continue to bring criminal prosecutions and other enforcement actions in those states as a result.¹⁰

⁶ National Conference of State Legislatures, <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

⁷ Definitions of status of medical marijuana laws in certain states vary; accordingly, some sources vary on counts. See Office of National Drug Control Policy, <https://www.whitehouse.gov/ondcp/state-laws-related-to-marijuana>

⁸ “The State of Legal Marijuana Markets, 4th Edition,” ArcView Market Research, <http://www.arcviewmarketresearch.com/>

⁹ Department of Justice memorandum to all U.S. Attorneys, Aug. 29, 2003, <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

¹⁰ National Conference of State Legislatures, <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

At IHEs, federal laws may take precedence over state laws when it comes to addressing marijuana legalization and decriminalization. IHEs that receive financial aid, grants, and other federal funding must comply with federal regulations, including those deeming marijuana illegal even in states that have decriminalized or legalized the drug. The Drug-Free Schools and Campuses Act, for instance, still requires IHEs to maintain policies that prohibit marijuana possession, use, or distribution by students, faculty, and staff. Failing to comply could result in the loss of federal funding.^{11,12} These are a few of the challenges that, like many other organizations, IHEs face as a direct and indirect result of legalizing and decriminalizing marijuana in their community or in neighboring states.

Decriminalization & Legalization

Marijuana Legalization: Laws or policies that make the possession and use of marijuana legal under state law.

Marijuana Decriminalization: Laws or policies adopted in a number of state and local jurisdictions that reduce the penalties for possession and use of small amounts of marijuana from criminal sanctions to fines or civil penalties.

*Source: Office of National Drug Control Policy.
<https://www.whitehouse.gov/ondcp/frequently-asked-questions-and-facts-about-marijuana#difference>*

State-level decriminalization and legalization has also obligated employers — including IHEs — to reevaluate whether and how they tolerate drug use among employees. The [Drug-Free Workplace Act](#), for example, requires employers that are federal grant recipients or federal contractors to have zero-tolerance policies and certify to the federal government that their workplaces are drug-free — even if marijuana is legal in their states. Generally, these employers must develop and publish written policies, ensure that employees read and consent to those policies as a condition of employment, initiate drug-awareness programs, require employees to notify their employers or contractors within five days of a conviction of a drug offense in the workplace, and make a good-faith effort to maintain a drug-free workplace.

The Act does not require employers to conduct mandatory drug tests, but in general, as marijuana is legalized, the usage increases, making drug use among employees of IHEs and other entities a growing concern, according to the National Attorneys General Training & Research Institute.¹³

¹¹ Education Department General Administrative Regulations, CFR Title 34, Subpart A Chapter 1 Part 86. http://www.ecfr.gov/cgi-bin/text-idx?SID=393301a7cdccca1ea71f18aae51824e7&node=34:1.1.1.1.30&rgn=div5-se34.1.86_17

¹² Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, “Complying with the Drug-Free Schools and Campuses Regulations,” <http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>

¹³ National Attorneys General Training & Research Institute, “The Effects of Marijuana Legalization on Employment Law,” <http://www.naag.org/publications/nagtri-journal/volume-1-number-2/the-effects-of-marijuana-legalization-on-employment-law.php>

After marijuana was decriminalized in Colorado, for example, positive workplace drug tests rose 20% between 2012 and 2013, compared to a 5% increase nationally.¹⁴

Reliable data does not exist to definitively indicate whether legalization or decriminalization of marijuana have had an impact on marijuana-related crimes on college campuses. However, legalization and decriminalization have undoubtedly forced campus public safety agencies to re-examine their crime-prevention and control strategies, including the allocation of limited resources, according to the forum participants.

Although IHEs are overwhelmingly dedicated to providing safe environments for students, faculty, and staff, they face several unique challenges in doing so in the context of marijuana decriminalization and legalization. These challenges leave IHEs with tough choices to make about where to allocate their limited resources in preventing and responding to crime on their campuses.

The National Center for Campus Public Safety (NCCPS) has taken the lead in identifying these challenges and soliciting recommendations for addressing them. Established in 2013, the NCCPS is a clearinghouse for information, research, training, promising practices, and emerging issues in campus public safety. It connects all forms of campus public safety, professional associations, advocacy organizations, community leaders, and others to improve and expand services to those who are charged with providing a safe environment on the campuses of the nation's colleges and universities.

On June 10, 2016, the NCCPS facilitated a forum that included 11 IHE campus safety leaders from seven states. The forum's goal was to identify the challenges and lessons learned related to the legalization and decriminalization of marijuana and to make recommendations to address those challenges. An overview of the forum's discussion follows.

States of Nebraska and Oklahoma vs. State of Colorado

In 2012, the State of Colorado enacted Amendment 64, which permitted personal use of marijuana and the operation of marijuana-related facilities in the state. Neighboring states Nebraska and Oklahoma later sued, telling the U.S. Supreme Court that the rule led to tremendous marijuana flows from Colorado into their states, which undermined their own bans on the drug, cost them money, and put too much stress on their criminal justice systems. Because the federal government still considers marijuana illegal in Colorado and all other states, Oklahoma and Nebraska argued in federal court that Colorado was breaking the law. The Supreme Court declined to hear the case.

Sources:

<https://www.ok.gov/oag/documents/NE%20%20OK%20r%20%20CO%20-%20Original%20Action.pdf>

¹⁴ Assurex Global, "Workplace Impacts of Marijuana Legalization," http://a15777.actonservice.com/acton/attachment/15777/f-0010/1/-/-/-/-/Assurex_Global_Medical_Legalization_Marijuana_in_Workforce.pdf

Discussion

The forum participants identified a number of challenges and lessons learned related to legalization and decriminalization of marijuana on campus. Generally, those challenges fall into five broad categories:

- 1. Rapidly changing science.** Many campus safety officials are finding it increasingly difficult to detect marijuana and measure intoxication levels, largely because the drug now comes in many different new forms. Each of those forms has different concentrations of tetrahydrocannabinol (THC), which produces the drug's psychoactive effects.
- 2. Inconsistent data collection.** There is no universal standard among IHEs for tracking marijuana usage or enforcement. Consequently, the wide variations in data-collection methods among IHEs, as well as legal-definition differences among states, have created an assortment of data sets that aren't comparable with one another and thus provide only limited insight about use trends and effective enforcement.
- 3. Resource constraints.** Some forum participants said their campus safety teams have received more calls for service since marijuana legalization and decriminalization in their states or in neighboring states; others reported fewer calls. In either case, all reported growing concern about the safety hazards of on-campus drug production, more safety issues due to upticks in secondary offenses related to marijuana sales or use on campus, and delays or backlogs at local labs needed to process evidence.
- 4. Policy Review.** Marijuana legalization and decriminalization is forcing many IHEs to take a hard look at student conduct policies, hiring rules, and employee disciplinary protocols. In states where marijuana has become legal or decriminalized, marijuana-related activity is now more often a violation of housing or student/employee conduct policies than criminal behavior, leaving IHEs to handle incidents largely on their own. Some IHEs are also softening their enforcement policies and procedures simply to cope with the increase of incidents associated with growing marijuana use on their campuses.
- 5. Perception challenges.** Participants said more and more students lack accurate information about the many forms of marijuana as well as education about how various marijuana products are made, what their effects are, and what amounts lead to impairment and health concerns. Many IHEs are also battling stereotypes about life in "legal" states along with concerns about disparate impact and student success after graduation.

Forum participants identified key discussion topics, delineated compliance challenges, and identified potential solutions and recommendations.

Category One: Rapidly Changing Science

Many forum participants noted that legalization and decriminalization have spurred the proliferation of new forms of marijuana products, each of which have different levels of THC. These changes have created several new challenges for campus officials.

Challenge #1: Reduced detection.

Although marijuana often appears in its raw form as a dry, shredded mix of leaves that when smoked creates a telltale odor, many users today are turning to less recognizable processed products such as hashish oils or marijuana concentrates known as THC extractions. These processed products, many of which are odorless, can be added to everyday food items, creating “edibles” that can be consumed on campus in plain sight without detection. Across the board, regardless of their states’ legal stance on marijuana, forum participants reported that more users on their campuses are consuming marijuana concentrates through vaporizers that are smokeless and odorless. Participants said the proliferation of these derivative products, which lack the visual or sensory indicators typical of marijuana, is making it harder for campus safety officials to detect drug use or identify substances containing marijuana.

Heard in the forum:

“It’s not the marijuana, it’s the THC.”

Challenge #2: Lack of impairment standard.

Marijuana is far more potent than it was 20 years ago. In 1993, for example, the drug typically contained 3.4% THC;¹⁵ today, high-grade or top-shelf marijuana normally measures about 20%

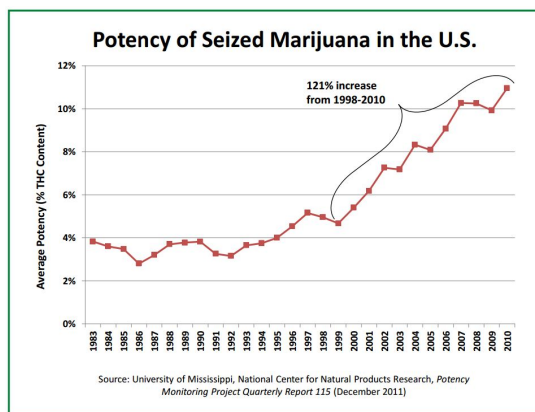


Chart courtesy Office of National Drug Control Policy, https://www.whitehouse.gov/sites/default/files/page/files/marijuana_fact_sheet_3-28-12.pdf

THC. Many concentrates contain even higher THC levels, ranging from 40% to 80%.¹⁶ The result is a high that is more psychologically and physically intense than what it was just a generation ago.

However, unlike alcohol, there is no standard at the federal level regarding what constitutes impairment. This has led to varying opinions about impairment thresholds at IHEs. Forum participants noted that some technology exists that could allow IHEs to perform breath tests or other rapid measures of THC consumption. However, this is relatively new

technology and has not yet been widely accepted.

¹⁵ “Potency Trends of Delta9-THC and Other Cannabinoids in Confiscated Cannabis Preparations from 1993 to 2008,” Journal of Forensic Sciences, September 2010, http://home.olemiss.edu/~suman/potency_paper_2010.pdf

¹⁶ https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf - page=72

Category Two: Inconsistent Data Collection

Most campus safety teams track service calls, enforcement actions, and other data. However, participants said that marijuana legalization and decriminalization has highlighted several challenges around reporting that data.

Challenge #3: Lack of uniform reporting standards.

Forum participants said there is no national-level, standardized method for collecting data about marijuana enforcement actions on campuses. Further, because IHEs are subject to different laws depending on which states they are in, basic definitions of reportable offenses can vary significantly. For example, some IHEs track marijuana enforcement actions as student code of conduct violations or housing violations; others deem it criminal activity. In turn, a variety of tracking systems and methods exist at IHEs, though little of the data is comparable in any meaningful way due to the differences in their underlying collection methods. Additionally, several states are still experiencing legislative changes after enacting their legalization or decriminalization laws, and forum participants said those changes often compromise the comparability of data over time.

Heard in the forum:

“They’re anecdotally saying all this stuff has happened, but no one has numbers.”

Category Three: Resource Constraints

Marijuana decriminalization and legalization is straining the budgets and staffing on many campus safety teams — even at IHEs in states that haven’t experienced any significant legislative changes. Forum participants said that regardless of where an IHE is, decriminalization and legalization have created new challenges.

Challenge #4: More calls for service.

Many forum participants said that for IHEs in states where marijuana has been legalized or decriminalized, non-sworn campus safety officials must now handle incidents that once fell to the local police. In many cases, the activity may now solely amount to student conduct violations. This has resulted in significant increases in the number of personnel required to respond to calls on campus, more effort required in recording marijuana activity, and consequently, more pressure on campus safety budgets.

Forum participants also reported a rise in secondary crimes related to the consumption of marijuana on campus including DUIs, thefts, robberies, and violent crimes associated with cash-only marijuana transactions. Participants noted some of this activity may be crimes of opportunity rather than crimes directly related to on-campus consumption, which put their students at increased risk. In many cases, these secondary crimes require public disclosure under the Clery Act, which many forum participants said could harm the safety reputations of their IHEs. In addition, participants

noted a disparate impact when it comes to response to marijuana activity at IHEs in different states; that is, what campus safety and local police are doing about the drug from an enforcement perspective in one state is often quite different than what campus safety and local police are doing in a neighboring state.

Challenge #5: Rising residential safety risks.

Several forum participants noted a marked increase in recent years in the number of students processing or creating marijuana products in dormitories and other residential facilities on campus, particularly in states that have legalized or decriminalized marijuana. Because many of the processes required to make edibles, concentrates, and other marijuana products involve the use of flammable liquids and other volatile materials, IHEs have become increasingly concerned about fire and other hazards.

Students with prescriptions for medical marijuana present challenges because IHEs with federal funding cannot honor the prescriptions at their health centers or allow students to consume those prescriptions on campus. This may mean requiring students with medical marijuana prescriptions to store and use marijuana at off-campus locations. Some institutions have considered and even offered off-campus accommodations for students with medical marijuana prescriptions.¹⁷

Challenge #6: Lack of access to practical testing methods.

In states where marijuana has become legal in some form, many IHEs still consider marijuana use a violation of their student codes of conduct or terms of employment, thus requiring continued investigation and evidence collection. However, according to forum participants, many campus safety teams do not have access to testing technology that allows them to detect marijuana and determine intoxication levels on scene.

Heard in the forum:

“Our state crime labs are practically begging us not to send marijuana to them for analysis because they’re just inundated. The cost exceeds the \$50 fine anyway.”

In addition, non-sworn campus safety officials now must determine what to do with marijuana that was once turned over to the police. In many cases, IHEs must now send their growing evidence collections to local labs for testing (for cases involving minors), but that too comes at considerable cost; the cost of evidence processing and testing often exceeds the fine the IHE might collect from the violation. Forum participants reported that in many cases local labs are inundated with marijuana testing and face considerable backlogs.

¹⁷ Illinois Higher Education Center, “Marijuana and the Drug-Free Schools and Campuses,” http://www.eiu.edu/ihec/Marijuana_and_DFSCA.pdf

In states where marijuana remains illegal, IHEs still coordinate their efforts with police on drug violations. However, IHEs in jurisdictions that require testing for THC levels in order to prosecute often find themselves in circumstances similar to those in “legal” states — too few labs willing to test the evidence and too little money to pay for it.

Category Four: Policy Review

Forum participants were careful to note that legalization and decriminalization of marijuana — even in states that have not legalized or decriminalized the drug — is raising questions about a variety of policies common at IHEs.

Challenge #7: Problematic employment policies.

For many campus safety teams, legalization and decriminalization of marijuana is raising enforcement questions that go far beyond policing the student body. Forum participants said more IHEs are questioning their hiring and termination policies for faculty and staff — including those for campus safety employees — in states where marijuana use has become legal in some form. As mentioned, state-level decriminalization and legalization has also obligated employers — including IHEs — to reevaluate whether and how they tolerate drug use among faculty and staff. The Drug-Free Workplace Act, for example, requires employers that are federal grant recipients or federal contractors to have zero-tolerance policies and certify to the federal government that their workplaces are drug-free — even if marijuana is legal in their states.

Heard in the forum:

“It’s hard enough to hire campus police; now we have this.”

Some noted that legalization and decriminalization has made it more difficult to hire quality campus safety officers. Although the Drug-Free Workplace Act does not require employers to conduct mandatory drug tests, in general, as marijuana is legalized, usage increases, making drug use among IHEs and other employees a growing concern for many IHEs.

Challenge #8: Reduced penalties.

As mentioned, campus safety teams often face lengthy backlogs and considerable costs for testing evidence at local labs. Forum participants said that as a result of this cost and backlog, as well as the sheer volume of drug activity by minors on their campuses, some IHEs in states where marijuana is legal or decriminalized are resorting to issuing citations rather than making custodial arrests. Several also reported that local district attorneys have resorted to accepting field tests as presumptive evidence rather than incurring the cost and wait time associated with obtaining lab results. Some participants also said they tend to receive less help from law enforcement in cases where the drug is in edible form, even if those edibles contain higher levels of

Heard in the forum:

“It’s been hard to prosecute — courts don’t view the gummy bear the same as a pile of raw marijuana.”

THC than traditional leafy forms of the drug. Participants from IHEs in states bordering those where the drug is legal or decriminalized also reported similar patterns, which they associated with rising marijuana trafficking from neighboring states.

Category Five: Perception Problems

Forum participants noted that marijuana legalization and decriminalization has created several stereotypes and reputational challenges for IHEs.

Challenge #9: Not enough student education about marijuana.

Virtually all forum participants noted that IHEs are behind when it comes to educating students — especially incoming freshmen — about today’s various forms of marijuana. Several participants reported incidents on their campuses in which students were not aware that edibles take more time to affect the body, for instance, and thus they inadvertently consume massive amounts of THC, leading to emergency medical treatment and other medical situations.

Challenge #10: Reputational damage.

Several participants reported difficulty battling common assumptions about life in states where marijuana has become legal or decriminalized. Though some campus safety professionals in the forum actually reported a general improvement in mental health among some student demographics at IHEs in which marijuana is legal or decriminalized, several participants expressed concern about current student behavior, academic success, and employment after graduation in campus environments where marijuana use is increasing and socially acceptable.

Heard in the forum:

“It’s actually helping in mental health services. But we don’t know what’s going to happen in five to seven years with those students after they graduate — or whether they graduate.”

Recommendations and Conclusions

The forum participants identified a broad range of recommendations that could help IHEs respond to and reduce the growing challenges regarding the legalization and decriminalization of marijuana on and near their campuses.

Recommendation #1: Create a national impairment standard.

Unlike for alcohol, the federal government has not established a THC measurement or threshold above which an individual is generally deemed impaired. Forum participants recommend that the effects of marijuana use be researched and an impairment threshold determined. The measurements or thresholds should distinguish between edibles, smoking, and inhalants. This would help IHE and state-level enforcement efforts become more consistent and will help IHEs collect more comparable data.

Recommendation #2: Allocate more funding for marijuana field-testing.

Many campus safety and law enforcement agencies need more drug recognition experts (DREs) to determine whether the subjects of an increasing number of service calls are under the influence of drugs. Due to the proliferation of marijuana use, IHEs in every state also need access to better marijuana-detection technology, regardless of whether they're in states where the drug is legal. Obtaining this technology reduces the costs and wait times associated with sending evidence to labs and in some cases mitigates the resource-intensive process of arranging for a blood test.

Heard in the forum:

"We started having our officers question people more about where they got it from or what stores. A lot of students admitted that spring break was in Colorado and they take it back to sell."

Recommendation #3: Conduct campus climate surveys to see how marijuana is affecting the IHE.

Many forum participants said their IHEs have no baseline measures on their campuses of the mental, emotional, medical, and psychological effects of marijuana use on their campuses. Participants suspect that, similar to alcohol use, a spike in use often occurs for new students near the start of the school year.

However, few IHEs have data to support this. Forum participants recommend that IHEs survey incoming students about the duration and frequency of their marijuana use, similar to what many IHEs already do for alcohol use.

Recommendation #4: Conduct more national research on the long-term and short-term effects of marijuana on college students.

Several forum participants expressed concern that unfettered legal use of marijuana on or near their campuses fuels criminal activity and may set students up to experience difficulties with employment background investigations after graduation. Research that follows students who attend IHEs in

states where marijuana use is legal or decriminalized and measures their frequency, duration, criminal behavior, and perceptions about their use could help IHEs understand what use-prevention tactics work, even when state laws allow the drug. Participants also emphasized that collecting this information in states that have not yet legalized or decriminalized the drug could provide valuable baseline information if and when those states pass marijuana legislation. Participants noted that state and federal grants, rather than law enforcement agencies, should fund independent data collection in this area.

Recommendation #5: Streamline judicial affairs.

Due to the sheer volume of drug activity on their campuses and the lack of personnel and funding necessary to tend to the resulting criminal cases involving minors, participants recommended that IHEs work more closely with local law enforcement to encourage courts to accept administrative, IHE-level sanctions in lieu of judicial proceedings. Doing so could alleviate work, reduce cost, and streamline the process for all parties.

Recommendation #6: Report marijuana offenses separately in Clery reports.

The Clery Act of 1990 requires IHEs to make annual disclosures of the crimes on their campuses. Forum participants agreed that marijuana-related offenses should remain in the reports but said those crimes should be detailed separately. Most agreed that marijuana-related offenses are not necessarily good indicators of campus safety, and because IHEs in states in which the drug is legal or decriminalized do not have to include marijuana activity, IHEs in states where the drug is still illegal may look artificially less safe.

Recommendation #7: Develop clear policies and procedures for on-campus use.

Forum participants felt that increasing legalization and decriminalization of marijuana warrants more effort to establish clear student codes of conduct as well as clearer employee policies. Participants also recommended that IHEs in states that have not yet legalized or decriminalized marijuana should clarify their student-conduct and employment policies before legislative changes in order to minimize disruption later. These clarifications should address secondary issues such as e-cigarette use and allow enough time to ensure any policies comply with other legal requirements such as the Americans with Disabilities Act. Increasing liability risks associated with employee drug use also warrant consideration in IHEs' risk-management efforts. IHEs might consider partnering with national organizations such as the International Association of Campus Law Enforcement Administrators (IACLEA) to develop model policies.

Recommendation #8: Develop national marijuana-education programs for IHEs.

Marijuana education isn't just for students — forum participants said that staff, faculty, and parents all need more education about what's out there, what's legal, what's dangerous, and what's acceptable behavior at their IHEs. Forum participants recommend that these educational programs

could mirror effective alcohol-education programs many IHEs find successful. Programs should include information about how marijuana use can affect future employment opportunities, the various levels of THC in certain products, differences in social norms regarding marijuana use on and off campus (or in other states), and medical issues that are especially incompatible with marijuana use. Forum participants also noted that these efforts must have support from the highest administrative levels at IHEs, on par with Title IX and Clery efforts, in order to be successful and ensure sustainable funding.

Recommendation #9: More legislative outreach.

Forum participants noted that state legislators often do not consider the effect of marijuana legalization and decriminalization on IHEs and their day-to-day campus safety efforts. Accordingly, more IHEs should reach out to local legislators with information about how marijuana legalization and decriminalization has affected or could affect the students and staff on their campuses, including graduation rates and future student success.