

## **Consumption of Food and Beverage in Student-Instructional Areas**

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Policy Number:  
Owner Department: Student Services  
Approved Date/Effective Date: February 26, 2020

### **I. POLICY STATEMENT/PURPOSE**

The purpose of this policy is to clarify acceptable standards for the consumption of food and drink at SCNM, to be applied universally to all SCNM-controlled classrooms, clinics, labs, and other student-instruction areas.

### **II. POLICY STATUS**

Revised

### **III. HISTORY/BACKGROUND**

The Americans with Disabilities Act (“ADA”) prohibits discrimination against individuals with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges and advantages, or accommodations of any place of public accommodation, including SCNM. Similarly, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), prohibits students with disabilities from being excluded from participation in, being denied the benefit of, or being subjected to discrimination under any program receiving Federal financial assistance (such as SCNM), solely by reason of his or her disability. SCNM complies with the requirements of the ADA and Section 504, as applicable, by prohibiting discrimination against, and providing reasonable accommodations for, individuals with qualifying disabilities.

A person has a “disability” within the meaning of the ADA if that person: (1) demonstrates a physical or mental impairment that substantially limits one or more major life activities of the individual; (2) has a records of such impairment; or (3) is regarded as having such an impairment. Major life activities include, but are not limited to: eating, breathing, the operation of a major bodily function such as the immune system, and digestive, bowel, bladder, respiratory, and circulatory functions.

While not all allergies qualify as disabilities, medically-diagnosed food allergies or acute food-related sensitivities may qualify as disabilities under the ADA and/or Section 504 —particularly if the allergy elicits autoimmune responses, the symptoms of which may include difficulty swallowing and breathing, asthma, or anaphylactic shock.

### **IV. DEFINITION(S)**

For purposes of this Policy:

“Food” is defined as any edible substances, fresh or cooked, processed or raw, irrespective of state or form.

“Beverages” are defined as any drinkable substance, with the exception of unmodified water.

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“Food allergy” and similar food intolerances are defined as a person’s own immune system responding atypically to a component of a food. Reactions can range from a mild irritant to acute, life-threatening anaphylaxis.

### **V. SCOPE/KEY STAKEHOLDERS**

This policy applies to all students, faculty, staff, visitors and guests. Exceptions may be made on a case-by-case basis when a medical necessity or a conflicting disability accommodation dictates. In cases of conflicting accommodations, where mutual accommodation is not reasonably possible, priority will generally be given to the more life-threatening reaction.

### **VI. POLICY ITEMS**

- A. Classrooms: Subject to the conditions of this policy, food and beverages—excluding alcoholic beverages—may generally be consumed in classrooms, except as follows:
  1. Food-Free Zones – The first three rows of all large-capacity (over 50 seats) classrooms, and the first two rows of all smaller capacity classrooms, are designated as Food & Beverage-Free Zones at all times. No Food or beverage, other than unmodified water, will be allowed in these areas. Additionally, individuals in rows immediately adjacent to a Food-Free row, may be asked to refrain from eating a particular food, or to move to a different area of the classroom, if the particular food induces an allergic reaction by a person sitting in a Food-Free row.
  2. Exam Periods – No food or beverages are permitted in classrooms, clinics, labs, and other student instructional areas during while testing is occurring, unless otherwise required under a specific, disability-related accommodation plan, with the exception of unaltered water in a resealable container
  3. Restricted Allergens – From time to time, as determined by the Executive Council to be necessary under ADA accommodation plans currently in effect at SCNM (see Section VI.G, below), foods containing a “restricted allergen” may be banned from one or more classrooms, and the clinics. When a restricted allergen ban is necessary, the ADA Accommodations Officer will notify students, faculty, staff (by email, and as appropriate, by other means,), visitors, and guests of the restricted allergen and identify the location(s) in which foods containing the restricted allergen are banned. A restricted allergen ban will remain in effect until rescinded.
- B. Physiology and Microbiology Labs and Examination Rooms: Food and beverages are prohibited from labs and patient examination rooms.
- C. Allergen-Free Areas: Allergen-free areas will be designated and maintained in each building on the SCNM campus, as appropriate. All allergen-free areas will be clearly marked by signs identifying them as such and identifying the allergens that are restricted in such areas. Allergen-free areas will include, but not be limited to:
  1. Assigned group study rooms

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2. Identified sterile areas
  3. Identified conference rooms in each campus building
  4. Doctore' Development Center
- D. Exempt Areas: The following areas, and all events/activities that occur in these areas, are exempt from any restrictions under this policy since they are not deemed required instructional areas:
1. Common areas:
    - a. Café (though common allergens in Cafe food will generally be identified)
    - b. Student lounge and kitchen area
    - c. Outside all campus buildings
    - d. Designated break rooms
    - e. Staff and faculty offices (except when meeting with students)
    - f. Shared areas and open hallways
    - g. Conference rooms (except those designated as allergen-free areas)
    - h. Clinics not under SCNM control
  2. The teaching kitchen & Botanical medicine courses: The use of various foods and food extracts are a required part of the curriculum. Any student experiencing medically-diagnosed food allergies or acute food-related sensitivities in these areas will need to speak with the school's ADA accommodations officer to address appropriate accommodations for these degree requirements. If an effective alternative exists, it will be provided to achieve course outcomes.
  3. Student-instructional areas during non-instructional, unrequired events and activities that occur on campus, with the exception of any items identified in a campus-wide restrictive allergen ban, as set forth in this policy, or otherwise prohibited under other applicable SCNM policies.
- E. Consideration of the Learning Environment – Where and when permitted under this policy, all food and beverages must be consumed in a manner that is not disruptive to the learning environment and is considerate of others. This includes avoiding food items that create messes, or which emit undue smells or noise; disposing of all food/beverage-related trash, and cleaning up spills, food crumbs, etc.
- F. Disciplinary Actions – Students who violate this policy are subject to discipline under the student code of conduct, and/or may have their food and beverage privileges under this policy revoked. Faculty and staff who violate this policy will be referred to Human Resources for appropriate disciplinary actions.
- G. Enforcement - Faculty and staff are required to enforce any bans in teaching areas when occurring and will notify the Dean of Students of violations.
1. Emergency Response – In the case of any serious reactions, SCNM faculty and staff will implement the Emergency Preparedness Plan, notify appropriate personnel, and provide aid to the student as certification and licensing will permit.

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Restricted Allergen Ban Approvals – When the ADA Accommodations Officer believes a restricted allergen ban may be appropriate as part of an ADA accommodation for a student with a qualifying disability resulting from a medically-documented, acute allergy, the Officer must present his or her recommendations to the Executive Council for determination of the depth and breadth of the ban, if any. The Council will be presented with the severity of the diagnosed reaction(s), the potential scope of the proposed restriction, and any possible technological and/or environmental solutions that may be appropriate. The Executive Council will provide final determination as to the parameters of any restrictive ban, if deemed necessary and not overly evasive to the entire campus community.

H. Student Responsibilities – Students with medically-diagnosed food allergies and/or acute food-related sensitivities may request ADA Accommodations through the regular accommodations plan process and will be required to produce the necessary documentation to identify the food allergy and its effect on the student. Additionally, these students must carry a current automated epinephrine-delivery device, and notify faculty of the location of the device when in class, to expedite retrieving of the device for use by a certified individual. Students are also responsible for notifying the supervising school representative, in the pre-approved manner outlined in their ADA Plan, while a violation is occurring and impacting their ability to participate in the classroom environment.

### VII. RESPONSIBILITY FOR IMPLEMENTATION

Academics  
Student Services

### VIII. RELATED POLICIES

Student Handbook – Code of Conduct & Academic Honor

### IX. NEXT REVIEW DATE

N/A

### X. VERSION CONTROL AND CHANGE HISTORY

Version Control	Approved By/Date	Date Effective	Amendment
1	President's Council/4-6-18	4-6-18	
2	President's Council/6/27/18	6/27/18	
<b>3</b>	President's Council/2-26-20	2/26/20	
<b>4</b>	Last Reviewed	7/22/20	

### XI. POLICY AUTHOR/CONTACT

Dean of Students – Student Services