

<u>Subject:</u> The Sale, Consumption, and Possession of Alcoholic Beverages	<u>Department Name:</u> Business & Finance	<u>Effective Date:</u> April 15, 2007 <u>Issue Date:</u> April 15, 2007
	<input type="checkbox"/> New Policy	<u>Approval:</u> Hamid Shirvani signature on file

**CALIFORNIA STATE UNIVERSITY, STANISLAUS POLICY REGARDING THE SALE, CONSUMPTION, DISTRIBUTION, AND POSSESSION OF ALCOHOLIC BEVERAGES**

**I. Purpose**

- A. To establish the California State University (CSU), Stanislaus policy regarding the sale, service, distribution, possession, and consumption of alcoholic beverages on all property owned or leased by the University and at off-campus events sponsored by the University.
- B. To educate and provide guidelines that are consistent with the 2001 CSU Alcohol Policy and Prevention Program and CSU Chancellor’s Office Executive Order No. 930 to enhance alcohol education programs, reduce alcohol abuse, and strengthen efforts to promote the safe, legal, and responsible use of alcohol.
- C. This policy is issued pursuant to California Code of Regulations, Title 5, Sections 42350 et. seq., and Sections 89030 and 89031 of the California Education Code. Violation pertaining to alcoholic beverages is a misdemeanor and is punishable as prescribed in Section 19 of the California Penal Code, and/or Title 5 Section 41301 of the California Code of Regulations, CSU Stanislaus Housing Regulations, and other applicable disciplinary procedures.

**II. Scope**

- A. All sale, consumption, distribution, and possession of alcoholic beverages must have prior approval.
- B. This policy applies to all University facilities, buildings, and grounds (collectively known as the “campus”), to all events and activities held on the campus, to all University sponsored events off-campus, and to all University personnel and students.
- C. All local, State, and Federal laws and California State University Executive Orders related to the sales, serving, possession, use, and consumption of alcoholic beverages shall be adhered to and strictly enforced.

**III. Compatibility with the Mission of the University**

The University President, or designee, has the authority to decide whether serving or distributing alcohol and the types of alcohol served at a proposed event is appropriate.

**IV. Policy**

- A. Any request to sell, serve, distribute, possess, or consume alcohol on the University campus must be approved by Public Safety/University Police Services, Risk Management, and where appropriate, (including all University sponsored student events, whether or not located on campus), by the Vice President, Student Affairs, or their Designee. All requests for student events including the serving or consumption of alcohol must first be approved by the Vice President, Student Affairs, or their Designee, prior to being submitted to Public Safety/University Police and Risk Management. Approvals must comply with *University Procedures and Guidelines for Alcohol Use* (copy on www.csustan.edu).
- B. Hard alcohol (distilled spirits) is prohibited on the campus. Only beer, wine, and champagne may be sold, served, distributed, possessed, or consumed on campus, with the appropriate approvals.
- C. The service, sale, or distribution of alcoholic beverages at an event or activity is only allowed in campus locations appropriately licensed and authorized by the State Department of Alcoholic Beverage Control (ABC).
- D. Consumption and possession of alcoholic beverages is only allowed at events or activities on the campus and approved University sponsored events off-campus.
- E. Alcohol sales are prohibited in conjunction with any athletic competition.
- F. Unless specifically authorized (e.g., an approved special event), employees of the University may not consume alcoholic beverages while at their workstation. Employees are not to be under the influence of alcohol while on duty.
- G. Alcohol possession and consumption at campus Student Housing is controlled by *Village Housing Facility Regulations* (copy on www.csustan.edu).

## ALCOHOL POLICY GUIDELINES

### I. Purpose

California State University (CSU), Stanislaus subscribes to a drug-free campus and workplace. When alcohol use is permitted, the University ensures that abstinence is accepted and excessive use is strongly discouraged.

The CSU Stanislaus Alcohol Policy applies to all University facilities, buildings, and grounds (collectively known as the “campus”), to all events and activities held on the campus, to all University sponsored events off-campus, and to all University personnel and students. All instances of the approved use of alcohol at events or activities on the University campus must not detract from the mission of the University. It is recognized that abuse of alcohol in any form detracts from the mission of the University and does not make a positive contribution to the learning environment or to the public posture of the institution.

### II. Legal Requirements

1. In the State of California, only individuals twenty-one years of age or older can legally possess, consume, and/or purchase alcoholic beverages. All local, state, and federal laws are applicable to California State University, Stanislaus, and to all individuals on the properties of the University.
2. The Business and Professions Code, and related statutes, control the sale, consumption, and possession of alcoholic beverages. The CSU Stanislaus Alcohol Policy (copy available on CSU Stanislaus web site) conforms to these statutes.
3. The Alcohol Beverage Control (ABC) Board is responsible for interpretation and enforcement of the laws regarding the consumption, sale, or possession of alcoholic beverages.
4. The CSU Stanislaus President is responsible for implementing the Alcohol Policy and delegating authority for policy administration and compliance.
5. The University Police are responsible for exercising normal police powers in enforcing laws relating to alcohol.
6. Campus Dining is the only entity currently licensed by the Alcohol Beverage Control Board to sell alcoholic beverages on the University campus. This authority is subject to all applicable State laws and University regulations.
7. Unless specifically authorized (e.g. an approved special event), employees of the University may not consume alcoholic beverages while at their workstation. Further, employees are not to be under the influence of alcohol while on duty.

### III. Approval Process

1. All events on campus that include the sale, service, or consumption of alcoholic beverages must be approved by the Public Safety/University Police and Risk Management prior to the event occurring. The University President has ultimate approval and may make exceptions to any part of this policy with the exception of adherence to all local, State, and Federal laws and California State University Executive Orders related to the sales, serving, possession, use, and consumption of alcoholic beverages.
2. Requests for serving alcoholic beverages at events involving student participation shall also be approved by the Student Club Advisor and Vice President for Student Affairs or their Designee. Authorization for student clubs and/or organizations to serve or sell alcoholic beverages will only be issued to staff/faculty advisors, not to students.
3. The University Reservation Office will forward all requests for facility reservations for events that will include the sale, service, or consumption of alcohol to the University Police and Risk Management via email.

The Master Calendar Event Summary attached to the email will include event details and contact information for the event sponsor.

4. It is the responsibility of the approving parties in University Police and Risk Management to notify the University Reservation Office if approval for the event is denied, or, what insurance and security personnel are required for event approval.

#### **IV. Conditions of Alcoholic Beverage Sale, Service, or Consumption**

When events are held on campus or at any University sponsored event, and alcoholic beverages are made available as part of the event, the following requirements must be met by the individuals or groups sponsoring the event:

1. A majority of those attending the event must be 21 years of age or older. Servers must check IDs, to insure that no guest under 21 years of age is offered or served alcohol.
2. Direct access to events where alcohol is being served must be restricted to invited participants.
3. Servers must be over the age of 21 and shall not consume alcohol themselves during the event. Servers must be trained on safe alcohol service (e.g., how to recognize signs of drunkenness, when to refuse service, and understand the concept of vicarious liability).
4. Non-alcoholic beverages must be as readily available as the alcoholic beverages. Where practical, alcoholic and non-alcoholic beverages must be served in the same manner.
5. Food must be made available.
6. Consumption of alcoholic beverages from kegs is prohibited except when being dispensed by Campus Dining.
7. No University or student-sponsored group or organization may expend any student funds for the purchase of alcoholic beverages.
8. Sale and/or service of beer and wine must stay in the location designated in the approved Alcohol Beverage Use Form.
9. No malt beverage products, or beverages containing any alcohol content, may be served as “non-alcoholic” beverages.
10. Each Patron shall only be allowed to purchase two alcoholic drinks at any one time.
11. Beer shall be served in containers no larger than 16 ounces.
12. All marketing, advertising and promotion of alcoholic beverages on campus must conform to the marketing section of this document.
13. Students living in campus student housing (The Village) who are 21 years of age or older may possess and consume alcoholic beverages in the privacy of their suite or apartment subject to The Village Housing regulations. No consumption of alcoholic beverages is allowed outside suites or apartments or in any public area of The Village. All alcohol brought into The Village must be brought into The Village unopened and concealed from public view. Any alcohol not transported in this manner shall be confiscated by staff (see Housing Facility Regulations for details).
14. A University Police officer will be assigned to any event on campus that involves the sale/service of alcohol and an hourly fee will be charged to the event sponsor. Some exceptions may apply if so determined by the University Police.

15. No event will include any form of alcoholic “drinking contest” in its activities or promotion.

## **V. Enforcement**

1. Inappropriate behavior by an individual on campus, either individually or as an event participant, will be referred to the University Police for investigation. Student conduct violations will be referred to the Vice President, Student Affairs, or their Designee, for review and possible disciplinary action.
2. Students or student groups acting in violation of the Alcohol Policy will be referred to the Vice President, Student Affairs, or their Designee, for disciplinary action. Students abusing alcohol will also be referred to appropriate educational and treatment services.
3. Non-student university groups and non-university groups suspected of acting in violation of the Alcohol Policy shall be referred to the Vice President, Business and Finance for appropriate response.
4. All applicable state laws will be enforced by the Department of Public Safety.
5. In addition to requesting prosecution under appropriate laws, the University may impose sanctions on students that violate any portion of the Alcohol Policy, including those portions which impose restrictions beyond or aside from those required by law. In the case of students, these penalties will relate to a student’s good standing in the University and/or The Village.
6. Students in violation may be warned, placed on probation, suspended or dismissed from the University, receive educational sanctions, and/or be evicted from The Village Housing depending upon the seriousness and /or repetition of the violation.
7. Employees violating this policy shall be subject to discipline, up to and including dismissal. Discipline shall be imposed in a manner consistent with the applicable labor agreements, CSU policies, and law. In addition to, or in lieu of discipline, CSU Stanislaus may, at its discretions, require employees violating the policy to participate satisfactorily in an appropriate drug abuse rehabilitation program. “Employee” means a person legally holding a position in the California State University.
8. Every faculty member, staff member, student assistant, graduate assistant and student receiving or employed by federal grants shall receive a copy of the requirements of the Drug Free Schools and Communities Amendment of 1988 and shall be required to certify their awareness of these requirements. All such individuals must agree to notify the University within five days if they are convicted of any drug statute violation occurring in a University workplace or residence facility. Persons receiving federal funds shall report convictions to the appropriate office as indicated above. These University offices will notify the federal contracting or granting agency within ten (10) days after receiving the notice described above from an employee or otherwise receiving actual notice of such violation.

## **VI. Alcoholic Beverage Marketing on Campus**

1. Alcoholic beverage advertisements at events or activities on campus must be specifically approved for that event by the Vice President, Business & Finance (or their Designee), and if it is a student event, advertisements must also be approved by the Vice President, Student Affairs (or their Designee).
2. No advertising for specific alcoholic beverages will be allowed at University athletic competitions.
3. Alcoholic beverage marketing programs on campus must avoid demeaning sexual or otherwise discriminatory portrayal of individuals or classes.
4. Promotion of alcoholic beverages must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.

5. Alcoholic beverages (such as but not exclusively, bottles of wine, kegs or cases of beer) must not be provided as awards to individual students or campus organizations.
6. No sampling as part of a campus marketing program will be permitted and no sampling or other promotional activities will include “drinking contests”.
7. Alcoholic beverage advertising must not portray drinking as a solution to the personal or academic problems of students or as a necessary to social, sexual, or academic success.
8. Advertising and other promotional campus activities must not associate alcohol beverage consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.

## **VII. Public Safety/University Police Responsibilities**

1. Review all event notifications from the University Reservation Office and perform a risk assessment to provide either approval or denial of the request. Provide notice to the University Reservation Office about their assessment prior to the event.
2. University Police risk assessment shall identify security resources required to mitigate the risks associated with the event. Criteria that will be considered in determining the assignment of an officer to an event serving alcohol include the following:
  - Event location, time of day, and day of the week.
  - Type of event (e.g., dance, party, live performance).
  - Number of expected participants.
  - History of the event.
  - Applicable risk factors inherent or foreseeable that are associated with the event.

The University Chief of Police will make the ultimate decision regarding officer assignment to all events.

3. Provide cost estimates for special Public Safety/University Police services and staffing.
4. Require written plans from the organizers of those events that are determined by the University Police to hold inherent concerns or where documentation is desirable.
5. Provide oversight of all special events held on campus and take intervention measures as appropriate to provide protection for participants and attendees as well as appropriate measures for the security of university property and personnel.
6. Determine if behavior by an individual, both individually or as an event participant, is inappropriate and apply appropriate enforcement procedures.

## **VIII. Risk Management Responsibilities**

1. Review all event notifications from the University Reservation Office and perform a risk assessment to provide either approval or denial of the request. Provide notice to the University Reservation Office about their assessment prior to the event.
2. Provide advice and guidance concerning the requirement for event insurance, food safety permits, and other liability issues related to events held on campus.

## **IX. University Student Affairs**

1. Review all student and student organization requests to sell, consume, distribute, or possess alcoholic beverages at an event and perform risk assessment to provide either approval or denial. Provide notice to Public Safety/University Police and the University Reservations Office about their assessment prior to the event.

Alcohol Policy Guidelines

2. Maintain the *Village Housing Facility Regulations*, Student Leadership guides, and other internal documents governing student activities and discipline in conformance with the CSU Stanislaus Policy Regarding the Sale, Consumption, Distribution, and Possession of Alcoholic Beverages.
3. Provide oversight for University-sponsored student events and activities held on or off-campus that involve the sale, consumption, distribution, and possession of alcoholic beverages.