



JUNE 7, 1999

EXECUTIVE

MEMORANDUM

99-11

From: Manuel A. Esteban, President

Subject: Executive Memorandum 99-11, **Campus Alcohol Policy**
Supersedes EM 90-38 and 89-03

A comprehensive review of the Campus Alcohol Policy was recently conducted, resulting in EM 99-11, which is now in effect. This supersedes EM 90-38, Alcoholic Beverage Campus Policy. EM 99-11 focuses on the issues of moderation and liability. The intent of the policy is to clarify the conditions when alcohol may be used in campus facilities on special occasions and in a responsible manner. Alcohol may never be the focus of an event nor approved for use on a regular basis. Alcohol will not be used as a basis for fundraising. The responsible use of alcohol must be attended to not only for personal and institutional liability but to ensure that we are consistent with our educational mission.

The following paragraph from the policy is important to highlight:

"All members of the campus community have a stake in ensuring that alcohol is only used in a responsible manner. This policy focuses on alcohol use in moderation by persons twenty-one and over and addresses legal liabilities. Alcohol abuse, including binge drinking or drunk driving, by anyone will not be tolerated."

CAMPUS ALCOHOL POLICY

The possession, consumption, or transportation of alcoholic beverages on the California State University, Chico campus or in campus-owned facilities is generally prohibited as a matter of institutional policy. However, it may be permitted on special occasions such as awards ceremonies, receptions, periodic fund-raisers for campus programs, or as approved by the director of University Housing and Food Service.

All members of the campus community have a stake in ensuring that alcohol is used only in a responsible manner. This policy focuses on alcohol use in moderation by persons twenty-one and over and addresses legal liabilities. Alcohol abuse, including binge drinking or drunk driving, by anyone will not be tolerated.

This alcohol policy is intended to provide clear and consistent guidelines for the application of standards and expectations for the serving and consumption of alcoholic beverages on campus and in CSU, Chico facilities. The goal of this policy is to ensure that alcohol use at events meets the following criteria:

1. Alcohol use is not the primary focus of the activity and the success of the event is not dependent upon the serving of alcohol.
2. Members of the campus community and our guests are expected to make informed decisions and to act responsibly regarding the use of alcoholic beverages.
3. Individuals using alcohol in campus facilities are subject to campus policy and federal and state laws.
4. Choosing not to drink alcohol is as socially acceptable as choosing to drink alcohol.
5. Excessive drinking or drunkenness is not condoned.
6. Intoxication is no excuse for misconduct or infringing upon the rights of others.

In every instance where alcohol use is permitted, the individual user and organization sponsoring the event assume responsibility for compliance with applicable local, state, and federal laws, this policy, and other university regulations.

The use of alcohol in campus facilities is a risk management concern for personal safety and for negative publicity that results in an adverse impact to a program or to the university's public image.

Individuals, organizations, and campus departments need to be particularly aware of recent court rulings on the issue of vicarious liability. The sponsoring party of an event where alcohol is served can be held liable when a person consuming alcohol at that event is involved in an accident resulting in personal injury or death.

- I. Conditions which govern the use of alcoholic beverages when exceptions are made for special occasions include the following:
 - A. Each use of alcoholic beverage on campus and in campus-owned facilities must be approved by the director of University Housing and Food Service. Alcohol Use Request forms are available at the University Housing and Food Service Office at the corner of Citrus and Legion Avenues (898-6325) or on the Web at www.csuchico.edu/hfs.
 - B. Permission to serve alcoholic beverages at an event during the work week before 4:00 p.m. will ordinarily not be approved.
 - C. An Alcohol Use Request form must be submitted for approval at least ten working days prior to an event when alcohol is served but not sold and fourteen working days prior to the event when alcohol is to be sold.
 - D. Access to the event is restricted to invited participants.
 - E. A majority of the participants attending the event must be 21 years of age or older.
 - F. Identification must be checked as needed to ensure that no participant under 21 years of age is offered or served an alcoholic beverage.
 - G. Food must be available throughout the time alcohol is served.
 - H. Non-alcoholic beverages must be as readily available as alcoholic beverages.
 - I. An event at which alcohol is to be served must be sponsored by a unit, department, university-recognized faculty/staff organization, or university-recognized student group in good standing unless the facility is leased to an outside entity. The person applying for an Alcohol Use Request must be a university employee, or the request must be co-signed by a university employee. Attendance by the Person In Charge is required during the entire period of the event.
 - J. Wine will ordinarily be available only by the glass (not to exceed 4 oz). Wine bottles are not permitted on tables. Beer will ordinarily be available only by the bottle and can (not to exceed 12 oz). Pitchers (or large containers of any kind) of alcoholic beverages are not permitted on tables. Kegs or common source containers are permitted only with an authorized server and shall not be served in amounts of more than 12 ounces per person.
 - K. Guests will not be allowed to bring alcoholic beverages to any event.

- L. University-recognized student groups or organizations in good standing may have alcohol available at events only when the Assistant Vice President for Student Life or his/her designee has also granted permission.
- M. No Associated Students Activity Fee or Instructionally Related Activity funds may be expended for the purchase of alcohol.
- N. Alcohol use in leased and rented campus facilities may be governed by a separate agreement as to possession, consumption, sale, and transportation. The level of insurance coverage will be determined on a per case basis.
- O. The possession, consumption, sale, or transportation of alcohol in campus housing facilities is governed by University Housing and Food Service policy.

II. On-Campus Locations Authorized for Alcohol Use

The following locations are designated for those special occasions at which the use of alcoholic beverages will be allowed if an Alcohol Use Request has been approved. Normally, requests to serve alcoholic beverages in classrooms or department offices will not be approved.

University Center
Selvester's Café-by-the-Creek
Faculty/Staff Dining Room
Performing Arts Center Courtyard
Laxson Auditorium Portico
Colusa Hall
Sapp Hall
Albert E. Warrens Reception Center
Kendall Hall Rotunda
Bell Memorial Union
University Farm
Alumni Glen
Acker Gym
University Gallery
Trinity Hall Patio Area
Langdon Hall Museum
Other locations as approved by the director of University Housing and Food Service.

Off-campus locations-see Web site: www.csuchico.edu/hfs

III. Server Responsibility

Servers must be 21 years of age or older. Servers who are students must have a supervisor (or the Person In Charge) available who can assist them as needed in determining age verification and whether or not someone has had too much to drink.

Servers must be informed about the provisions of vicarious liability and what their responsibility is if they serve alcohol to someone who is visibly intoxicated and that person then hurts himself/herself or another person. The Alcoholic Beverage Control Act defines intoxicated as follows:

A customer is obviously intoxicated when an average person can plainly observe that the patron is intoxicated. The usual tests are staggering, alcoholic breath, dilated pupils of the eyes, slurred speech, poor muscular coordination, etc. (Section 25602).

IV. Sale of Alcohol

There shall be no sale of alcoholic beverages without a valid license from the Alcoholic Beverage Control (ABC).

A license is required from the ABC if admission is charged for any event at which alcoholic beverages are served or otherwise provided or funds are used which are derived from dues, donations, or other payments collected in connection with admission to the event. Exchanging any consideration for alcoholic beverages also constitutes a sale. "Consideration" includes money, tickets, tokens, or chits which have been issued in exchange for alcohol or anything else of value.

Therefore, events at which alcoholic beverages are sold require the sponsoring group to secure a liquor license from the ABC. The license application must be signed by the campus police chief prior to submittal to the ABC Office located in Yuba City. A copy of the liquor license must be given to the University Housing and Food Service Office in advance of the event. A copy must be maintained by the licensee and available for inspection upon request at the event.

A handout describing how to obtain a one-day liquor license is available from University Housing and Food Service or at the Web site: www.csuchico.edu/hfs.

V. Advertising

This policy and EM 94-50, Policy on Campus Commercial Underwriting, governs the display of alcoholic beverage trademarks or logos in campus publications or promotional literature distributed for events in campus facilities sponsored by university entities. In approved campus locations, banners, advertisements, and other forms of publicity containing an alcoholic beverage company's name, trademark, or logo may be displayed (e.g., XY Distributors) but not the product name, trademark, or logo, (e.g., PQR Beer). Approved banners, advertising, or other forms of publicity may be displayed only when the trademark or logo is not dominant to the message concerning the event's signage. The name of an alcoholic beverage may not be connected to the name of the event itself.

Examples of unacceptable use:

"UPE Concert Series, brought to you by Monet Champagne" or
"Day on the Green, brought to you by Coors Light."

Promotional clothing, specialty items, and other consumer items which utilize a university trademark or logo, regardless of whether such promotional items are free or for sale, may not be distributed unless the message is clear on those items that the alcoholic beverage manufacturer or distributor is only sponsoring the event and not connecting the university to its product. All items bearing the university trademark or logo must be approved by the President's Office.

Commercial sponsors whose business is alcohol may not be the primary sponsor of an event. They may be a secondary sponsor with a university entity as the primary sponsor.

Advertising for alcoholic beverages in campus newspapers (except *The Orion*), banners, signs, or flyers may not portray drinking as a means to academic or social success, associate alcohol with the performance of tasks that require skilled reactions such as the driving of an automobile, or suggest that drinking is the sole or dominant theme of an event.

VI. Tailgating

Tailgate parties are not permitted on the CSU, Chico campus. The primary reasons are that all campus parking areas are compactly designed. Therefore, tailgating would compromise the safety of pedestrians moving about in the parking areas. Secondly, enforcement of the Campus Alcohol Policy would be difficult because it would be too hard to discern which tailgating parties involved alcohol use and which did not.

VII. Consequences for Violating Alcohol Policy

Departments, groups, organizations, or the Person In Charge found to be in violation of the Campus Alcohol Policy may lose the privilege at future events and are subject to university disciplinary action and/or civil penalties for which there is no established maximum.

CSU, CHICO PROCEDURES & GUIDELINES FOR APPROVING ALCOHOL USE REQUESTS

The Campus Alcohol Policy allows the use of alcoholic beverages on campus at events and under conditions that

- A. Indicate that alcohol is incidental to the program being presented.
- B. Support the laws related to alcohol use.
- C. Prevent over-indulgence.
- D. Reasonably protect the interests of the university.
- E. Reduce the financial liability of the university.

Decisions to approve or deny alcohol use on university premises are reached after an examination of specific event characteristics. Requests are not approved when either a single characteristic or a combination of characteristics creates adverse conditions for the university. In some cases special requirements may be imposed on an event to create an acceptable situation. The following planning characteristics are evaluated whenever a request is made to serve alcoholic beverages on university premises.

I. PERSON IN CHARGE

The person applying (Person In Charge) for an Alcohol Use Request must be a university employee, or the request must be co-signed by a university employee who then becomes the Person In Charge. The Person In Charge must also be at least 21 years of age and have recognized authority or responsibility for the group (e.g., department chair, faculty adviser, program director, student authorized by the group through the registered student organization process). This person shall be responsible for compliance with university policies and applicable federal and state laws. Violation of campus rules may result in cancellation of the event or future events and/or appropriate university disciplinary action against the Person In Charge or group and/or civil penalties for which there is no established maximum.

The Person In Charge will be present at the event at all times.

The Catering Department of the Associated Students is authorized as a Person In Charge.

II. TYPE OF EVENT

The sponsor shall state the purpose of the event and describe a program or activity that is consistent with the stated purpose. The issuance of an Alcohol Use Request will be largely dependent on the purpose and program of the proposed event.

- An Alcohol Use Request to serve wine or beer with dinner for an awards banquet would normally be approved (assuming other characteristics of the event do not disclose potential problems).
- An Alcohol Use Request to serve beer for six hours at an event that has no other apparent program or activity defined would be denied.

III. COMPOSITION OF GROUP

California law states that persons under 21 years of age may not be furnished, be served, or be given alcoholic beverages. In order to provide for compliance, sponsors will be asked to describe their group (including guests) as part of the application process.

Groups that are composed entirely of persons over 21, such as graduate student associations, faculty and staff groups, or a combination of these groups, will generally receive approval (providing that other characteristics of the event do not disclose potential problems).

Groups that include a majority of persons under 21 will be reviewed individually, but generally will not be approved.

IV. EVIDENCE OF PLANNING

A minimum of ten working days is required to process an Alcohol Use Request when alcohol is to be served but not sold. The requester must also produce evidence that sufficient planning has occurred to avoid potential problems associated with the event and the use of alcohol. A minimum of fourteen working days is required to process an Alcohol Use Request when alcohol is to be sold.

V. HOURS OF EVENT

Alcohol Use Requests will normally be approved only if they fall within the following time periods:

After 4:00 p.m. on weekdays when classes are in session.

For less than four hours. The service and consumption of alcohol may be limited to a four-hour period for events scheduled for more than four hours.

For more than four hours. If the event includes a sit down meal and dance or other activity.

VI. KIND, AMOUNT, AND METHOD OF ALCOHOL SERVICE

Alcohol Use Requests are usually approved for the service of beer and wine which, as refreshments, are incidental to the main program. Non-alcoholic beverages and food must also be provided during the entire period alcohol is served. The type of beverage, event, service, and time must be coordinated to discourage the excessive use of alcohol, prevent over-indulgence, and meet legal requirements.

VII. LEGAL AGE VERIFICATION

Acceptable identification consists of a valid driver's license with photo or other ID issued to non-drivers by the Department of Motor Vehicles. The burden of proof for showing legal age is placed upon the person desiring alcohol service. No service will be provided unless clear evidence of legal age is presented.

VIII. RESOURCE LIST OF ALTERNATIVE LOCATIONS

If an off-campus location for an event is preferred, a list of such facilities is available from University Housing and Food Service or at their Web site: www.csuchico.edu/hfs/