

ALCOHOL USE ON CAMPUS

POLICY

Implementation Date: 5/18/16

Definition

The possession, consumption or sale of alcoholic beverages on California State University San Marcos property is prohibited unless approved by the President of the campus or his/her designee. Consumable alcohol allowed on campus includes beer, wine and, in certain situations, distilled spirits. The President has delegated approval authority for the consumption and/or sale of alcoholic beverages to the Vice President, University Advancement.

California State University San Marcos is committed to an alcohol policy that promotes responsible approaches and considerations of alcohol use through education, counseling, support, and regulation enforcement.

The University reserves the right to grant approval or disapproval of alcohol use on any University property. Written approval from the campus President or designee is required prior to the use of alcohol on University property.

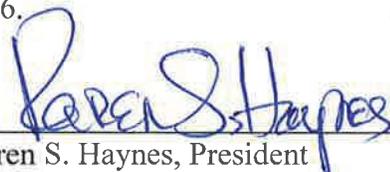
Authority

This policy is issued pursuant to the laws of the State of California, and the campus President including: California Code of Regulations, Title 5, Sections 41301 – 41304, 42350; California Education Code Sections 89030, 89031; California Business and Professions Code, Sections, 23000 – 23047, 23301, 25657 – 25667; California Vehicle Code, Sections 23140, 23152 – 23225; California Penal Code, Sections 148, 647(f), 172.a; California State University Executive Orders 669, 715, 761, 849, 930, 966, 970 and 1006. Violation pertaining to alcoholic beverages is a misdemeanor and is punishable by law per the California Penal Code, and/or the California Code of Regulations.

Scope

This policy includes any cultural, social or educational event on University property. University property includes: leased properties, student housing, and any other property controlled or administered by or on behalf of the University. Any outside organization contracting with the University for use of its facilities are also subject to the terms of this policy.

This policy supersedes the revised campus alcohol policy as of May 1, 2016.



Karen S. Haynes, President

5/18/16

Approval Date

Revised: 5/17/16
Revised: 5/18/05
Revised: 7/8/02
Revised: 1/1/93

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I. PURPOSE

California State University San Marcos is committed to enforcing State, local and University regulations regarding the sale, service and use of alcohol. The purpose of this policy is to provide basic guidelines for the sale, serving, supply and consumption of alcoholic beverages on University property.

II. DEFINITIONS

- A. **"ABC"** refers to the California Department of Alcoholic Beverage Control, which is tasked with enforcement of the California Business and Professions Code as related to the sale and serving of alcohol in the State of California.
- B. **"ABC Catering Event Permit"** is a permit that the caterer obtains to serve and/or sell alcohol on campus and away from their usual place of business. This is in addition to the caterer's existing "On-Sale General License." This permit allows the caterer to serve alcohol at an on-campus "Private Event".
- C. **"ABC Special Daily License"** is a short-term license that ABC requires the campus to obtain to sell and serve alcohol at "public events". The license can only be issued to a non-profit organization or an approved caterer with the appropriate license(s). The campus' non-profit representative is UARSC.
- D. **"Alcohol"** includes wine, beer, distilled spirits and every liquid or solid containing wine, beer or distilled spirits and which contains any percentage of alcohol.
- E. **"Closed event"** – Synonymous with the ABC definition of **"private event."** Because "public" and "private" events have a different meaning on campus than the manner in which the terms "public" and "private" are used by ABC, in order to avoid confusion, this policy will use the term "closed event" rather than the ABC term "private event."
- F. **"ECS"** – Event and Conference Services at CSUSM
- G. **"Event Organizer"** means the individual and/or groups sponsoring events where alcohol is served.
- H. **"Open Event"** – Synonymous with ABC definition of "public event." Because "public" and "private" events have a different meaning on campus than the manner in which the terms "public" and "private" are used by ABC, in order to avoid confusion, this policy will use the term "open event" rather than the ABC term "public event."
- I. **"Outside Organization"** is any organization that does not meet the criteria for a "university sponsored" event, as defined in N.
- J. **"Private Event"** (referred to in this policy as a **"closed event"**) is defined by the California Business & Professions Code (CBPC), Section 23399.1 as an event where (1) the premises are not open to the general public during the time alcoholic beverages are served or consumed, (2) the premises are not maintained for the purpose of keeping, serving, consuming or otherwise disposing of alcoholic beverages (e.g. bar, restaurant, pub), AND (3) there is no sale of alcohol (including an admission charge for any event where alcohol is served). For the purposes of this policy, the term "closed event" is synonymous with the CBPC definition of "private event."
- K. **"Public Event"** (referred to in this policy as **"open event"**) is defined by the CBPC as any event which does not meet the definition of private, as stated in item H. For the purposes of

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this policy, the term “open event” is synonymous with the CBPC definition of “public event.”

- L. **"Sale"** means the exchange of money, services or any consideration, directly or indirectly, for alcohol, including charging admission to an event where alcoholic beverages will be served.
- M. **"University-Sponsored"** event is one in which the event organizer is a Recognized Student Organization, Campus Department, or Auxiliary.
- N. **"University Property"** is the geographic location of the campus and its buildings or any property leased, controlled or administered by or on behalf of the University. For purposes of this policy, campus property includes both San Marcos and Temecula campuses.

III. PROVISIONS

A. STATE & MUNICIPAL LAWS & REGULATIONS

It is the responsibility of both the server and consumer of alcoholic beverages to be aware of, and abide by, all State and local ordinances, whether specifically outlined in this policy or not. For reference, the most relevant sections of California and Municipal law are cited here:

It is against the law:

- i. To sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages.
- ii. For a person under the age of 21 to possess alcoholic beverages on any street or highway or in any public place or any place open to the public.
- iii. To sell, furnish, or give away alcoholic beverages to an obviously intoxicated person.
- iv. To sell alcoholic beverages any place in the State without proper license from the State of California Department of Alcoholic Beverage Control (ABC).
- v. To be in possession of an open alcohol container the California State University San Marcos Campus (other than as specified in this policy).

B. ALCOHOL USE IN UNIVERSITY STUDENT HOUSING

Consumption, possession or storage of alcoholic beverages by any resident under the age of 21 is prohibited. No alcohol is permitted outside the privacy of individual units. Additional specific policies and procedures governing alcohol use in University Student Housing will be set by the housing management staff in consultation with the Dean of Students. Such policies and procedures will be designed to enforce campus, State and Federal policies and laws and promote student safety, responsibility, and the development of lifelong decision-making skills with regard to alcohol use and overall wellness.

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C. ALCOHOL AT CAMPUS EVENTS**1. General Provisions**

- a) All events at which alcohol is served require the involvement of Event & Conference Services (ECS). See “Additional Resources” section for links to the ECS processes and forms.
- b) All event attendees must provide a valid picture identification at events in which persons under age 21 attend.
- c) Events at which alcohol is served with persons under age 21 in attendance must separate alcohol consumption areas and/or use bracelets or other unique identifiers.
- d) Individuals are not permitted to bring their own alcohol into events.
- e) There must be at least equivalent amounts of non-alcoholic beverages as alcoholic beverages available. If alcohol is to be sold on a per-drink basis, the price of non-alcoholic beverages must be less than the price of alcoholic beverages.
- f) Food must be made available at all events where alcohol is served. This can be in the form of snacks, hors d’oeuvres, or full meals.
- g) Events with alcohol served must be limited to 4 hours or less.
- h) For events lasting 3 hours or longer, alcohol must stop being served at least 30 minutes prior to the conclusion of the event.
- i) Alcohol that is given as a gift or won during an opportunity drawing or auction at an event cannot be opened by guests during the event; any gifted/won alcohol that is opened must be removed from the event.
- j) Alcohol for all events must be purchased and/or served through one of the approved alcohol beverage service vendors.

i. Closed Events

Closed events are for a very specific and private group of people, and are required to be by invitation only. For closed events, alcohol can be donated with restrictions (see section iv. “Donations” for specifics), or obtained by an approved alcohol beverage service. Closed events also require that (1) the alcohol is not sold to guests (via cash or drink ticket), (2) there is no cost for admission, and (3) the event is limited to invitation only.

To avoid the impression that drinks are being purchased, guests are not permitted to tip bartenders/servers at private events. (The host may tip at the end of the evening.)

ii. Open Events

All “open” events require an ABC License. An event is classified as open if ANY of the following conditions exist:

- Alcohol is sold (whether through direct sales or drink tickets)
- There is a cost of admission to the event (even if alcohol is free once inside)
- The event is open to the general public (anyone can attend)

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iii. Outside Organizations

Outside organizations are required to follow all the policies outlined herein. The only exception is noted here.

“Ceremonial Use” exception – outside parties are permitted to provide their own alcohol in limited quantities for ceremonial purposes, such as a champagne toast, communion, etc. This exception must be approved by ECS, and is limited to no more than the equivalent of 4 ounces of wine or champagne per adult 21 and over in attendance (one standard 750 ml bottle per 6 adult guests 21 and over.)

iv. Responsibilities of Event Organizers

Individuals and/or groups sponsoring events where alcohol is served, agree to the following:

- a) To abide by University, State and Federal regulations regarding alcohol use and distribution, as well as all conditions set forth in this policy.
- b) To ensure that any distribution or sale of alcohol is handled by an approved alcohol beverage service vendor. The vendor must also be licensed by the Dept. of Alcoholic Beverage Control for alcohol sales and hold the liquor liability coverage and training.
- c) To establish controls to ensure that the sale or distribution of alcohol to individuals under the age of 21 will not be permitted.
- d) To require that in order for alcohol to be served to an individual, a valid picture ID (State ID, Drivers’ License, etc.) must be presented. A second ID may be required if the primary ID is deemed unacceptable.
- e) To ensure that there is no price discounting on alcohol.
- f) To accept responsibility for all damages incurred during the activity and to provide restitution for damages.
- g) To maintain behavior and activities appropriate to a University setting that adhere to all campus sanctioned policies.

v. Responsible Host Requirements

All events at which alcohol is served require a “Responsible Host” (herein “RH”). An RH is a person who has attended a University approved Responsible Host Training Program. The role of the RH is to act as a sober event safety monitor and to take action in the event of an emergency or inappropriate conduct by an event attendee. This action can be a personal intervention for minor issues or notifying University Police Department (UPD) for a significant incident or injury. Responsible Hosts are not responsible for checking IDs. A minimum of two RH’s are required for each event. Events with over 50 people are evaluated on a case-by-case basis for the number of RH’s required.

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Responsible Hosts shall:

- a) Not consume any alcohol/substance the day of and during the event
- b) Be present for the entire event (including check-in)
- c) Be at least 21 years of age or older
- d) Periodically monitor all points where alcohol is being served
- e) Contact the UPD when an attendee is intoxicated and unable to care for themselves or is a danger to themselves or others
- f) Contact UPD in the event of any significant incident or injury at the event
- g) Take action when underage drinking is observed or over consumption of alcohol by any event attendee is suspected

Failure of a RH to fulfill the responsibilities may result in the sponsoring organization losing the ability to host alcohol events on campus in the future.

vi. Alcohol Donations

Alcohol donations can only be accepted by the non-profit organizations on campus for fundraising purposes. Alcohol donations are required to meet the following conditions:

Beer, wine, and distilled spirits donations can be accepted and must come from wineries, wholesalers or breweries.

- In order to comply with ABC regulations and campus policy, donations can only be made to one of the following campus organizations: University Auxiliary & Research Services Corporation (UARSC) and the CSUSM Foundation. ECS may take receipt on behalf of UARSC or CSUSM Foundation.
- Donations must be sold as part of a fund-raising event, either by admission fee to the event, or at a pay-per-drink cash (or drink ticket) bar.
- At the conclusion of the event, any remaining alcohol belongs to the non-profit organization and cannot be taken, used or consumed by individuals. Opened bottles need to be disposed of at the end of the event, and sealed bottles may be retained for a future fund raising event.
- Donations for an opportunity drawing or auction are subject to additional requirements under IRS and other gift regulations. Please refer to the campus Gift Policy for additional information.

vii. Insurance Requirements

Insurance requirements will vary by event size and type. All event organizers are required to abide by and show proof of insurance requirements as outlined in the event contract. If an organization cannot provide proof of adequate insurance, special event insurance will be purchased for them (at their cost). Expectations to this policy

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must be approved by the Vice President of University Advancement and must be documented.

D. ENFORCEMENT, DISCIPLINE & SANCTIONS

1. California State University San Marcos is committed to enforcing State, local and/or University regulations regarding the use of alcohol and other substances. The appropriate Vice President and University Police will monitor compliance with Regulatory and Campus policies. All groups (students, departments, colleges, divisions, auxiliaries and outside organizations) are subject to the provisions of this policy.
2. Right to terminate event – The University President or designee reserves the right to terminate any event, with or without notice, which does not adhere to the requirements outlined in this policy. Additionally, the University President or designee may terminate any event that becomes dangerous or inappropriately disruptive to the instructional and business functions of the institution.
3. Inappropriate conduct by students is subject to discipline as provided in Sections 41301 through 41304 of Title 5, California Code of Regulations and Executive Order 1098. Individual students found to be in violation of University policies and/or campus regulations are subject to the following University sanctions in accordance with relevant student policies and procedures set forth by the Office of the Dean of Students: warning, disciplinary probation, loss of privileges and exclusion from activities, suspension, dismissal, exclusion from areas of the campus, interim suspension, or other sanctions including educational intervention programs.
4. Recognized Student Organizations found to be in violation of University policies and/or campus regulations may be restricted from use of campus services and resources to support their organizational activities, and may be placed on probation or suspension.
5. Visitors or outside organizations found to be in violation of University policies and/or campus regulations are subject to sanctions appropriate under local, State and Federal law. In addition, violators may be excluded from participation in campus events and/or further use of the campus.

E. POLICY CUSTODIAN

Responsibility for ensuring the timely review, revision and interpretation of this policy belongs to the Office of the President. Substantive changes to this policy must be approved by the Executive Council.

F. ADDITIONAL RESOURCES

- Approval Process Flow Chart
- [Alcohol Approval Form](#)
- [Executive Order 1098](#)
- [Link to ECS Site](#)
- [Link to UARSC Site](#)

Appendix A
Appropriate Vice President
Initial Decision-Making Considerations

Considerations in reviewing requests for alcohol use on campus:

1. Is the event planned for a closed setting (e.g. meeting room)?
2. Is the event planned for an outdoor, open venue that may require perimeter barricades (e.g., plaza area, Palm Court, outdoor patio, beer garden)?
3. Will the scheduled hours for the event potentially interfere with the educational mission of the University?
4. Are controls for ensuring legal alcohol consumption appropriate for the type of venue selected?
5. Does the Request for Facility Use provide appropriate detail to demonstrate plans for security, risk management and financial responsibility?
6. Is there a clearly identified Responsible Host(s) who assumes responsibility for the event running smoothly and in accordance with University policies and State laws?
7. How might the use of alcohol support or detract from the purpose and viability of the event?