G-012 ALCOHOL USE POLICY

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Southwest Minnesota State University Policy
Alcohol Use

Alcohol and Drug Use/Abuse

Introduction and Philosophy Statement

As an institution of higher education, Southwest Minnesota State University strives to provide experiences that enhance the development of responsible behavior in the academic and social areas of student's lives. In accordance with the Standards of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse (1988), Southwest Minnesota State University's goal is to create a campus environment that promotes learning, along with healthy, responsible lifestyles. Respect for campus, as well as community standards and regulations, is supported by the University. Alcohol abuse and illicit drug use are viewed as contrary to the educational process and goals of higher education.

Southwest Minnesota State University recognizes that students are adults, ultimately responsible for their own conduct, and responsible for the consequences of their behavior as well. Students are expected to adhere to state and university regulations. Campus violators of the alcohol/drug policies are subject to disciplinary actions.

Alcohol on Campus

Possession, consumption, distribution, or knowingly being in the presence of alcohol on University property is prohibited.

Exception: The one-time (single event) use of alcohol or 3.2% malt liquor (beer) at Southwest Minnesota State University events shall be allowed under the following criteria:

1. The President of Southwest Minnesota State University has been delegated the authority to approve use of alcohol or 3.2% malt liquor (beer) at a specific campus event or at University sponsored events off-campus consistent with MnSCU Board Policy 5.18 Alcoholic Beverages or Controlled Substances on Campus, and MnSCU Board Policy 5.18.1, Alcoholic Use and Controlled Substances on Campus.
2. The sponsor of the event must demonstrate compliance with local ordinances and state law with regard to licensing the event.
3. The sponsor of the event must demonstrate that adequate general liability and dram shop liquor liability insurance has been obtained for the event to be held.
4. The sponsor of the event must complete Southwest Minnesota State University's **Alcoholic Beverages or 3.2% Malt Liquor (Beer) One-Time Event Application Form** at least four (4) weeks prior to an event involving service of alcoholic beverages or 3.2% malt liquor.
5. The sponsor of the event must make a deposit to cover the cost for facility rental, special facility setups, security staff, and other costs associated with holding the event not covered under the usual and customary rental fee for a Southwest Minnesota State University facility.
6. The sponsor of the event must take proper steps to insure any person under the legal age as specified by Minnesota statutes is **not** served any alcoholic beverage or 3.2% malt liquor upon the premises or grounds of Southwest Minnesota State University or at any Southwest Minnesota State University sponsored off-campus events.
7. An event involving the serving of alcohol or 3.2% malt liquor will adhere to the following time guidelines:
   A. Open Bar – two (2) hour maximum
   B. Outdoor Events – Two (20 house maximum)
   C. Events requiring the serving of alcohol or 3.2% malt liquor longer than two (2) hours must:
      1. Utilize a "ticket system" that attempts to limit the number of drinks an individual may consume.
      2. The sponsor of the event shall provide a variety of food/soft drinks and coffee to all participants throughout the duration of the event.
8. The use of alcohol or 3.2% malt liquor in an alcohol use awareness program/laboratory and/or classroom instruction must adhere to Southwest Minnesota State University's alcohol use procedure.
9. No state funds may be used to purchase alcoholic or 3.2% malt liquor beverages, insurance, or be used in connection with the services of these beverages.

Instructions for Completion of Event Approval Checklist

For use or possession of Alcohol and Controlled Substances at Southwest Minnesota State University

A review of the following information and completion of the approval form is essential four (4) weeks prior to approval of an event at which alcoholic beverages or 3.2 malt liquor will be served.

Name/Description of Event: Indicate the name of the event (if there is one, e.g. A Founders Club Banquet or University Spring Fling.) Give a brief description of what the event actually is and what its purpose is. Since the law is different for types of beverages being served, the type of beverage should also be indicated. See the glossary of terms below for guidance.

Date and Time of Event: Self explanatory.

Sponsor of Event: Indicate if there is some campus club or group, local community organization, or other group that the actual promoter of the event. This should be the group, organization, or individual that is organizing the event.

How Liquor is Dispensed: It is important to identify **who** will dispense the beverages and how that person/group will be paid.

Location of Event: Indicate where on campus the event is to be held. If this is an off-campus event (albeit sponsored by the institution), also indicate the off-campus location.

Southwest Minnesota State University Contact Person: This should be the individual others can go to for specific information about the event. This will be the primary contact person for information at the campus.

Sponsor Responsible Person: This should be the primary contact person in the group or organization that is sponsoring the event. This may or may not be a State employee.

Insurance Provided: The insurance information is extremely important. The State of Minnesota is not insured for public liability and dram shop

(liquor event) liability. This insurance coverage must be purchased by the event sponsor for at least the amount required per occurrence and aggregate through a policy that includes host liquor liability and additionally insured language as required by the Minnesota Commissioner of Administration. This insurance must be purchased by the event sponsor. **If the sponsor is a State agency (other than MnSCU), the insurance must be purchased through the Risk Management Division per Minn. Stat. 16B.85. If a MnSCU institution (per Minn. Stat. 15.38, Subd. 3) is the sponsor, the insurance must be purchased either on the local market or by arrangement through the Department of Administration Division of Risk Management (Fred Johnson, 651-296-1001).** The institution must first attempt to have the sponsoring organization purchase the insurance for the institution. If the sponsor already has insurance, then the institution, MnSCU and the state of Minnesota must be added as an insured on the sponsor's policy. (For example, frequently a group such as the local Jaycees or Lions will host the event, and they usually already have this kind of insurance.) If the institution purchases its own insurance coverage, it must do so out of non-general fund money.

The current state requirements are for general liability coverage in an amount no less than $300,000 per individual and $1,000,000 per occurrence. Pursuant to M.S. 3.736, Subd. 4, these are the maximums for which the state can be sued if there is no insurance and for which it, MnSCU, and the institution must be protected.

License Information: Most municipalities require a license for events where alcohol or 3.2 percent malt liquor beverages are being sold. There may be other local restrictions on the service of alcohol as well. The institution and/or sponsor must check with the local authorities in order to determine if the contemplated event is one that requires some type of license.

Source of Funding: As noted above, no state money may be used to purchase, serve, or underwrite the sale or service of alcoholic beverages or 3.2 percent malt liquor. This includes state general fund, and grant funds. The Attorney General has always considered student activity funds to be "state money" even though the expenditure of these funds for this purpose does not go through the state treasury. Spending should generally be limited to donated or foundation money. Please call for guidance on specific questions. If there is a cash bar or the beverages are included in the price of the ticket, the school should not become involved in the financial transaction. Contributions by the foundation or a business should be separate transactions and not a part of the liquor event.

The Attorney General has also advised that payment or donations to an event where alcohol service is incidental to or part of a meal is also covered by state law relating to liquor (Chapter 340A).

Glossary of Terms

Alcoholic Beverage. "Alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume.

Distilled Spirits. "Distilled spirits" is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

Intoxicating Liquor. "Intoxicating liquor" is ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Low Alcohol Malt Liquor. "Low alcohol malt liquor" is a fermented malt beverage containing two percent or less of alcohol by weight. Notwithstanding any law or rule to the contrary, if either:

1. the term "low alcohol" appears on the label of the beverage container; or
2. a brewer has provided written certification to the Department of Public Safety establishing an alcoholic content of two percent or less by weight; no further label shall be required on that container.

Malt Liquor. "Malt liquor" is any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

3.2 Percent Malt Liquor. (Previously termed Non-Intoxicating Malt Liquor) "3.2 percent malt liquor" is malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

Off-Sale. "Off-sale" is the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

On-Sale. "On-sale" is the sale of alcoholic beverages for consumption on the licensed premises only.

Wine. "Wine" (formerly called venous spirits) is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for non-industrial use. Wine does not include distilled spirits as defined above.

Wine Tasting. "Wine tasting" (M.S. 340A.418) is an event of not more than four hours' duration at which persons pay a fee or donation to participate, and are allowed to consume wine by the glass without paying a separate charge for each glass.

Southwest Minnesota State University Alcoholic Beverages or 3.2% Malt Liquor (Beer) One-Time Event Application Form

The President of Southwest Minnesota State University has been delegated the authority to approve use of alcohol or 3.2% malt liquor (beer) at specific on-campus events or at University sponsored events off-campus consistent with MnSCU Board Policy 5.18 to assure that potential legal, liability, and insurance issues have been addressed. *(See the attached instructions for further explanation of each of these items.)* The sponsor of the event must submit the Application Form to the President of Southwest Minnesota State University four (4) weeks prior to an event involving service of alcoholic beverages or 3.2% malt liquor.