

Chapter 172-64 WAC

ALCOHOL POLICY AT EASTERN WASHINGTON UNIVERSITY

WAC

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WAC 172-64-010 Statement of purpose. The purpose of this policy is to further the university mission by creating a safe environment for student learning. To accomplish this, the university will support the enforcement of federal, state, and local laws, as well as its own alcohol and drug policies and procedures. The university will also encourage university functions in a controlled environment that reduces risk and creates positive experiences. This policy recognizes community standards of responsibility and accountability in the use of alcohol and the expectation that individuals have a right to learn, to work, and to live free from the disruptions and consequences of alcohol abuse by others. It is the responsibility of every member of the university community to know the risks associated with the use and abuse of alcohol and to assist the university, its faculty, staff, administrators, and students in creating an environment that promotes health-enhancing attitudes and activities.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-010, filed 8/29/03, effective 9/29/03.]

WAC 172-64-020 Introduction. At Eastern Washington University, diversity of opinion and freedom of choice involves the exercise of personal responsibility that includes the obligation to make sound judgments regarding the use of alcohol. This alcohol policy was developed by a community-wide committee of faculty, administrators, students, and Cheney and Spokane community members as a reasonable set of standards to enhance a positive campus environment. These rules and regulations are an important and necessary part of the overall commitment of a comprehensive alcohol education program at EWU. In addition to these guidelines, the most important factor in the reduction of alcohol-related problems is the human capacity to act responsibly. Therefore, the university has an expectation that individuals and groups know and understand the risk and liability associated with the consumption of alcoholic beverages.

(8/29/03)

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-020, filed 8/29/03, effective 9/29/03.]

WAC 172-64-030 Policy statement. Eastern Washington University allows the legal use, possession, and distribution of alcohol on campus under the conditions stipulated in this policy and complies with and upholds all federal, state, and local laws that regulate or prohibit the possession, use, or distribution of alcohol. Violations of such laws that come to the attention of university officials will be addressed within the university or through prosecution in the courts, or both. All university faculty, staff, administrators, and students are hereby notified of the following standards of conduct that the university will apply to all activities conducted on university owned property and at university sponsored events. Furthermore, these standards will apply to all guests on university owned property and at university sponsored events. It is the responsibility of all members of the university community to familiarize themselves and their guests with relevant federal, state, and local laws as well as the following standards, procedures, and guidelines for the possession, use, and distribution of alcohol, and act accordingly.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-030, filed 8/29/03, effective 9/29/03.]

WAC 172-64-040 Washington state law. Members of the university community are responsible for the observance of state and federal laws including those that apply to alcohol. Some of the laws most relevant to the university community are the following:

(1) It is unlawful:

- (a) For anyone under twenty-one years of age to possess alcohol (RCW 66.44.270);
- (b) To sell, purchase, deliver, or furnish alcohol, except a parent or legal guardian, to anyone under twenty-one years of age (RCW 66.44.270);
- (c) To sell purchase, deliver, or furnish alcohol to an intoxicated person (RCW 66.44.200);
- (d) To consume alcohol in a public place, exceptions defined in RCW 66.44.100;
- (e) To misrepresent one's age to obtain alcohol (RCW 66.44.310);
- (f) To drive under the influence of alcohol (RCW 46.61.502 and 46.61.503).

(2) Driving under the influence:

- (a) It is unlawful to drive if your blood or breath alcohol concentration (BAC) meets or exceeds 0.08 percent or under the influence of drugs (RCW 46.61.502);
- (b) It is unlawful to drive if alcohol has impaired your ability to drive safely, even if your BAC is under the legal limit (RCW 46.61.503);

(c) For a person under the age of twenty-one, it is unlawful to drive if your blood or BAC meets or exceeds 0.02 percent (RCW 46.61.503).

(3) Open container law:

(a) Alcoholic beverages may not be consumed in a vehicle nor be carried within reach of the driver or passengers. Open containers may be carried in a trunk or nonpassenger areas (not glove boxes). Does not apply to vehicles commercially chartered by groups or to the living quarters of motor homes or campers (RCW 66.44.100 and 46.61.519).

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-040, filed 8/29/03, effective 9/29/03.]

WAC 172-64-050 Locations where those of legal drinking age may possess, consume, or serve alcoholic beverages.

(1) Inside individual rooms of residence halls, where all residents of the room are of legal drinking age (whether or not all residents are home), all present in the room are of legal drinking age, and the residence hall is not designated substance free and/or clean and sober.

(2) Inside fraternity and sorority facilities, in accordance with respective national organizational policies and university guidelines.

(3) Areas owned or controlled by the university, in accordance with the following guidelines for the use, possession, and sale of alcohol.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-050, filed 8/29/03, effective 9/29/03.]

WAC 172-64-060 Guidelines for university recognized events serving alcohol. Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this policy shall abide by the following regulations in preparing for and conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

(1) Obtaining permission to serve alcohol.

(a) Written permission for a function sponsored by an individual or group, at which alcohol will be available, must be obtained from the president or his/her designee, along with a banquet permit application. Decisions regarding the approval or denial of permission to serve alcohol shall be made according to what is deemed to be in the best interest of the institution as expressed by the university mission statement and this policy's statement of purpose. Reasons for denial of a permit may include but are not limited to: Conflict with primary academic use of facilities; performance record of sponsors in prior events; or failure to satisfy guidelines.

(b) Such approved function shall be subject to the regulations set forth in this policy. Complete information on procedures to obtain permission is available at numerous locations on campus.

(c) Permission to serve or consume alcohol must be requested seven days prior to the event.

(2) Proof of age and access to alcohol.

(a) The person or group(s) holding the event must establish precautionary measures (check identification) at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age or to persons who appear intoxicated.

(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). It is the responsibility of the designated server(s) to enforce proof of age and access to alcohol regulations as outlined in the banquet permit application and this policy.

(c) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is held.

(3) **Alternative beverages.** Nonalcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.

(4) **Security measures.** The university police department shall, when informed of activities and events involving alcoholic beverages, determine appropriate security measures to be taken and coordinated with the events' sponsor and appropriate administrative staff of the university as may be necessary to assist in compliance with state laws and university regulations.

(5) Publicity and advertising.

(a) All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirts(s) and newspaper and radio announcement(s), concerning the function shall note the availability of nonalcoholic beverages as prominently as the availability of alcoholic beverages; and that proper identification is required in order to be served or sold alcoholic beverages; and must not make reference to the amount of alcoholic beverages available, as, for example, the number of kegs of beer available at the event; nor to any form of drinking contest.

(b) Advertising which promotes university events must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.

(c) Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.

(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes or rewards, to individual(s) or groups.

(6) **Prohibition of drinking games.** Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-060, filed 8/29/03, effective 9/29/03.]

WAC 172-64-070 Guidelines for the selling of alcohol at university recognized events.

(1) Any function sponsored by faculty, staff, administrators, or students or a faculty, staff, administrator, or student group(s) at which alcoholic beverages are sold or served, whether or not the function is open to the public, may be held in those areas permitted under the provisions of this policy only after a banquet permit and written approval is obtained for such function from the president or his/her designee.

(2) Functions at which alcoholic beverages are sold shall include functions at which alcoholic beverages are served and for which an admission fee is charged, at which cups are sold, at which tickets are sold, at which cash or anything else

of value is exchanged for alcoholic beverages, or at which donations are collected by the group, or members thereof, sponsoring the function. Functions open to the public shall be defined as those functions to which the general public has been invited through oral, written, or printed announcement(s), advertisement(s) or invitation(s).

(3) Consideration of all the policy guidelines already outlined must be presented when requesting permission to serve or sell alcohol.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-070, filed 8/29/03, effective 9/29/03.]

WAC 172-64-080 Guidelines for university social events in conjunction with alcohol vendors. Faculty, staff, administrator, or student group(s) may sponsor an activity involving a commercial off-campus vendor involved in the manufacture, distribution, or retail sales of alcoholic beverages. Sponsors of university events may invite vendors of alcoholic beverages to provide and/or sell alcoholic beverages for the event; however, vendors of alcoholic beverages cannot sponsor university activities. University groups(s) and organization(s) may involve the services of a vendor of alcoholic beverages under the following guidelines:

(1) The group(s) sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(2) Advertising and publicity must reflect sole sponsorship of the event as being that of the group(s).

(3) Advertising or announcements (posters, banners, flyers, radio and newspaper advertisements, tee-shirts, etc.) may reflect a vendor's involvement, but must not indicate or convey sponsorship by the vendor.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-080, filed 8/29/03, effective 9/29/03.]

WAC 172-64-090 Guidelines for off-campus events. University recognized events held off-campus, are expected to abide by the university alcohol policy guidelines for proof of age and access to alcohol; alternative beverages; publicity and advertising; and prohibition of drinking games, in addition to all applicable state laws and local ordinances. Faculty, staff, administrators, students, and their organizations are subject to disciplinary action by the university as it relates to violations of laws, ordinances, and university rules.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-090, filed 8/29/03, effective 9/29/03.]

WAC 172-64-100 Guidelines for serving alcohol at nonuniversity sponsored events. Any individual or group of individuals who are not affiliated with Eastern Washington University, who wish to use university property for an event (i.e., weddings, community group meetings, etc.), must comply with all state and local laws and with this policy.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-100, filed 8/29/03, effective 9/29/03.]

WAC 172-64-110 University enforcement of alcohol policy. This enforcement policy applies to any violation of the federal, state, and local laws; and the university alcohol policy.

(8/29/03)

Responsibility for compliance with these regulations and with all applicable laws will be incumbent upon all members of the university community, including all faculty, staff, administrators, students, and their guests.

The sanctions imposed under this policy do not diminish or replace the penalties available under generally applicable civil or criminal laws. The university community is reminded that many violations of the standards may violate various federal, state, and local laws. In addition to the division of students affairs and the dean of students; residential life and housing; individual academic units; human resources; and Greek life may maintain internal policies and procedures for violations of the university alcohol policy, and may impose sanctions against individuals and groups in violation of their policies involving alcohol.

The university alcohol policy shall apply to every function or event, social event, and campus-wide activity sponsored by organizations or individuals associated with the university. In addition, off-campus university events that imply or express university affiliation are bound by this policy. This policy also applies to activities at all university campus sites.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-110, filed 8/29/03, effective 9/29/03.]

WAC 172-64-120 Violations of local, state, and federal law. Violations of local, state, and federal law may be referred to local law enforcement. Violations that might lead to consultation with local law enforcement officials for possible prosecution include the following:

- (1) Use of alcohol by minors;
- (2) Alcohol-related behavior that is dangerous, destructive, disruptive, or illegal;
- (3) Use of or furnishing of false identification to purchase or be served alcohol;
- (4) Furnishing alcohol to anyone under twenty-one years of age.

Violations involving students will be reported to the dean of students.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-120, filed 8/29/03, effective 9/29/03.]

WAC 172-64-130 Student violations of the university alcohol policy. (1) Student violations of the university alcohol policy will be considered violations of the student conduct code.

(2) A broad range of consequences can be considered. For individual students, consequences can include:

- (a) Mandatory attendance at a prevention education program;
- (b) Loss of privileges, restitution, community service, and/or fines;
- (c) Eviction from university owned or controlled housing;
- (d) Suspension and/or dismissal from the university, or;
- (e) Some combination of the above.

(3) For student groups, possible consequences can include:

- (a) Suspension of privileges;
- (b) Probation;
- (c) Fines;
- (d) Removal of officers from office;

(e) Elimination of student fee support from the university; and

(f) Suspension, or forced disbandment.

(4) The revised (October 1998) Federal Educational Rights and Privacy Act allows for institutions of higher education to disclose, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether the information is contained in the student's education records, if (a) the student is under the age of twenty-one; and (b) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-130, filed 8/29/03, effective 9/29/03.]

WAC 172-64-140 Employee violations of the university alcohol policy. Violations of this policy may result in:

(1) Disciplinary action, including termination of employment, in accordance with applicable personnel rules, chapter 251-11 WAC for classified employees, and EWU policies and procedures manual for other employees, collective bargaining agreements, or other policies of the university and/or;

(2) The requirement of satisfactory participation in evaluation and/or treatment in an approved chemical dependency assistance or rehabilitation program.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-140, filed 8/29/03, effective 9/29/03.]