

WSR 21-01-169

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed December 21, 2020, 8:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-22-067.

Title of Rule and Other Identifying Information: Chapter 172-64 WAC, Alcohol policy.

Hearing Location(s): On February 11, 2021, at 9:00 a.m., at the Eastern Washington University (EWU), Tawanka 215, Cheney, WA 99004. This will be a virtual meeting via Zoom. The link to participate in the Zoom meeting is <https://ewu.zoom.us/j/93498449616?from=addon>.

Date of Intended Adoption: February 26, 2021.

Submit Written Comments to: Annika Scharosch, EWU, 211 Tawanka Hall, Cheney, WA 99004, email ascharosch@ewu.edu, fax 509-359-6724, by February 11, 2020.

Assistance for Persons with Disabilities: Contact Annika Scharosch, phone 509-359-6724, fax 509-359-2874, email ascharosch@ewu.edu, by February 11, 2020.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This updates the rules for consumption of alcohol in university apartments. It also modifies the restrictions on the service and consumption of alcohol at university sponsored events off campus.

Reasons Supporting Proposal: Changes in university housing and the need to revise EWU's approach to off-campus university sponsored events.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: EWU, governmental.

Name of Agency Personnel Responsible for Drafting: Annika Scharosch, 211 Tawanka Hall, 509-359-6724; Implementation and Enforcement: Dr. David May, 214 Showalter Hall, 509-359-6362.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 [34.05.328] (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this [these] rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

December 21, 2020
Annika Scharosch
Associate Vice President for
Civil Rights, Compliance
and Enterprise Risk Management

OTS-2807.2

AMENDATORY SECTION (Amending WSR 14-24-037, filed 11/24/14, effective 12/25/14)

WAC 172-64-010 Policy. Alcoholic beverages may be possessed, sold, served, and/or consumed on university owned or operated property and/or at university sponsored events and activities only as provided for in this chapter.

EWU prohibits the unlawful possession, use, consumption or distribution of alcohol by students, employees, or visitors on university property or during any university-sponsored program or activity, whether held on or off campus. Members of the university community are responsible for complying with these rules as well as all state laws regarding the use, possession and/or distribution of alcohol.

The university will respond to reported or suspected violations of these rules and take appropriate action, up to and including referral to law enforcement agencies for criminal prosecution.

University employees, students, and student organizations are subject to disciplinary action for violations of these rules and associated state laws, local ordinances, and university policies.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-037, § 172-64-010, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-010, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 15-14-077, filed 6/29/15, effective 7/30/15)

WAC 172-64-020 Alcohol use in university residence halls. (1) Applicability. This section establishes rules for alcoholic beverages in residence halls that are owned or operated by Eastern Washington University.

(2) General policy. Persons, who are at least twenty-one years old, may possess and consume alcoholic beverages in the privacy of individual residence hall rooms subject to the requirements of this section.

(3) Restrictions.

(a) Consumption of alcoholic beverages is prohibited in any areas of residence halls outside of individual rooms including, but not limited to, hallways, entrances, corridors, lounges, and reception areas.

(b) Doors to individual residence hall rooms must remain closed while alcohol is being consumed.

(c) Kegs, common source containers, and nonalcoholic brews such as "near beer" are prohibited.

(d) Selling or providing alcohol to minors is prohibited.

(e) Alcohol is prohibited in any residence hall room where any student living in the room is under twenty-one years old, regardless of whether the under-age student is present or not.

(f) Alcohol may not be consumed in any room where any person present is under twenty-one years old.

(g) Alcohol may not be consumed in any area designated as alcohol-free housing.

(h) Residents in Brewster Hall or the apartments, who are at least twenty-one years old, may have alcohol in their individual room

but not in their common room areas if any of their suitemates are under twenty-one except for approved family housing.

(i) Vendors may not deliver alcohol to residence halls or any other campus area except as provided for in WAC 172-64-090.

(j) Alcohol must not be visible to the public when carried into a residence hall.

(k) Alcohol containers may not be used as decorative pieces in residence halls.

(l) Students shall comply with reasonable requests by university staff to provide identification, proof of age, and/or show contents of a container when requested.

(m) Possession and consumption of alcohol in the privacy of individual residence hall rooms must not infringe on the privacy and peace of other individuals.

(n) Residence hall or housing funds may not be used to purchase alcoholic beverages.

(4) Alcohol-free housing. Per RCW 28B.10.575, the university shall notify all students applying for student housing of the availability of housing where all alcoholic beverage use is prohibited. The university shall accommodate student requests for alcohol-free housing.

(5) Awareness. The university shall distribute to students in university residence halls the process for reporting violations and complaints of alcohol and illegal drug use, the policies and procedures for investigating such complaints, and sanctions that may be applied for violations of the institution's alcohol and illegal drug use policies.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-14-077, § 172-64-020, filed 6/29/15, effective 7/30/15; WSR 14-24-037, § 172-64-020, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-020, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 14-24-037, filed 11/24/14, effective 12/25/14)

WAC 172-64-030 Alcohol use in private university residences.

Persons of legal age may possess, consume, and/or serve alcohol inside university-owned buildings other than residence halls or the apartments when the buildings are being used as private residence, such as (~~university apartments and~~) the University House.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-037, § 172-64-030, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-030, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 15-14-077, filed 6/29/15, effective 7/30/15)

WAC 172-64-040 Alcohol use at on-campus events and events off-campus that are sponsored by the university. (1) (~~Applicability~~) On university property. This section establishes rules for possessing, consuming, selling, and/or serving alcoholic beverages (~~+~~

~~(a) At events)) on university-owned or operated property, regardless of whether ((the)) an event is sponsored by the university and regardless of whether event sponsors are affiliated with the university((, and~~

~~(b) At off-campus events that are sponsored, in whole or in part, by the university.~~

~~(2) An event is considered to be sponsored by the university when the event is organized and/or staffed by university students or employees or when the event is funded, in whole or in part, by the university).~~

~~((3)) (a) Sponsor requirements. Sponsors of an event((, as described in subsection (1) of this section,)) where alcohol is to be possessed, sold, served and/or consumed, must comply with the following requirements:~~

~~((a)) (i) Obtain written permission from the appropriate official(s) in advance of the event:~~

~~((i)) (A) Student clubs and organizations must obtain permission from the student activities office;~~

~~((ii)) (B) For all other requests, sponsors must obtain permission from the vice president for business and finance or designee;~~

~~((b)) (ii) Contact event planning to request a banquet permit or a special occasion license per WAC 172-64-070;~~

~~((e)) (iii) Comply with all Washington state laws, chapter 172-64 WAC, all other university rules and policies; and any additional instructions provided to the event/activity sponsor as a condition of approval;~~

~~((d)) (iv) Ensure Washington state alcohol serving requirements are enforced:~~

~~((i)) (A) Event sponsors must ensure that all persons designated to serve alcohol are at least twenty-one years old and have received alcohol server training((-));~~

~~((ii)) (B) Event sponsors must ensure that servers check ID and do not serve alcohol to any person who is under twenty-one years old or who appears intoxicated;~~

~~((e)) (v) Prohibit serving alcohol during normal, university business hours unless an exception has been granted as part of the request under (a) (i) of this subsection;~~

~~((f)) (vi) Prohibit persons from bringing alcoholic beverages into the event unless specifically authorized by the banquet permit or special occasion license;~~

~~((g)) (vii) Prohibit persons from taking alcoholic beverages outside of the approved alcohol use area, except for beer/wine in the original unopened container that is sold or auctioned for off-premises consumption as specifically authorized by a special occasion license;~~

~~((h)) (viii) Provide food or snacks and nonalcoholic beverages at the same place as alcoholic beverages and feature nonalcoholic beverages at least as prominently as alcoholic beverages; ((and~~

~~(i) For an event on university owned or operated property,)) (ix) Inform university police of the event and consult with the university police about appropriate security measures ((as provided for in subsection (5) of this section)).~~

~~((4)) The university police shall determine appropriate security measures to be taken for on-campus events where alcohol is to be possessed, consumed, sold, and/or served. University police shall coordinate with the event's sponsor and appropriate university personnel to assist in compliance with state laws and university rules; and~~

(x) Gifts, awards, and rewards. Alcoholic beverages may not be provided as gifts or awards to any person as part of any event conducted under a special occasion license.

(2) Publicity and advertising of events on campus and off campus. The following rules apply to any events on university-owned or operated property as well as university-sponsored events off campus.

(a) Events conducted under a banquet permit are by invitation only and may not be advertised to the public.

(b) All announcements and advertisements concerning an event including, but not limited to, flyers, notices, posters, banners, t-shirts and newspaper and radio announcements, must:

(i) Note the availability of nonalcoholic beverages at least as prominently as the availability of alcoholic beverages;

(ii) State that proper identification is required in order to be served or sold alcoholic beverages; and

(iii) Not make reference to the amount of alcoholic beverages available at the event.

(c) All announcements and advertisements, as well as any promotions of specific alcoholic beverage brands at the event:

(i) Must not make reference to any form of drinking contest.

Drinking contests and similar activities which encourage the rapid and/or excessive consumption of alcoholic beverages are prohibited;

(ii) Must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success; and

(iii) Must not encourage any form of alcohol abuse or place emphasis on quantity or frequency of consumption.

~~((5) Gifts, awards, and rewards. Alcoholic beverages may not be provided as gifts or awards to any person as part of any event conducted under a special occasion license.~~

~~(6) Security measures. The university police shall determine appropriate security measures to be taken for on-campus events where alcohol is to be possessed, consumed, sold, and/or served. University police shall coordinate with the events' sponsor and appropriate university personnel to assist in compliance with state laws and university rules.)~~ (3) **University-sponsored events off campus.**

(a) All university-sponsored events involving the consumption of alcohol must take place outside of normal university business hours unless permission is obtained in advance from the vice president for business and finance or designee.

(b) If a university sponsored event is hosted off campus at the site of a private vendor, individuals may purchase alcohol from the private vendor. The private vendor is responsible for complying with all relevant state and local laws.

(c) If a university sponsored event is hosted off campus at an employee's private residence, university employees are prohibited from serving or providing alcohol to any university students.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-14-077, § 172-64-040, filed 6/29/15, effective 7/30/15; WSR 14-24-037, § 172-64-040, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-040, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 14-24-037, filed 11/24/14, effective 12/25/14)

WAC 172-64-070 Banquet permits and special occasion licenses. A banquet permit or a special occasion license must be obtained in order to permit alcoholic beverages to be possessed, sold, served, and/or consumed on university owned or operated property and/or at university-sponsored events and activities.

Banquet permits and special occasion licenses have specific rules concerning alcohol serving, sales (including raffles and gifts), event advertising, and related issues as contained in chapters 314-05 and 314-18 WAC.

Event organizers must contact EWU event planning to initiate the process for obtaining a banquet permit or special occasion license. Banquet permits and special occasion licenses are issued by the Washington state liquor (~~control~~) and cannabis board.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-037, § 172-64-070, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-070, filed 8/29/03, effective 9/29/03.]