

## Alcoholic Beverage Policy

### Preface

The goal of the University Alcoholic Beverage Policy is to promote attitudes and behaviors towards alcohol use, on and off campus, that are consistent with an atmosphere of civility, and to discourage alcohol-related behavior which is abusive to oneself or to others, within the confines of preserving the civil rights of all. In accordance with the University's commitment to provide a civil, safe, and healthful environment, confidential services, resources, treatments, and various programs encompassing education and alternatives to alcohol use must be provided to support the needs and concerns of members of the University community related to alcohol and other drugs. The following guidelines are general guidelines concerning the use of alcoholic beverages. Specific guidelines are available from various offices on campus such as Housing Services (for residence hall policies), the Office of Greek Affairs (for policies concerning the Greek system), Auxiliary Services, and the Dean of Students Office. All members of the University community are responsible for obtaining and adhering to these guidelines. Provisions of the Drug Free Schools and Communities Act and the Drug Free Workplace Act also apply, as well as regulations present in employee contracts.

### I. GENERAL GUIDELINES

The acquisition, possession, transportation and consumption of alcoholic beverages are governed by various statutes of the Commonwealth of Massachusetts and regulations of the Alcoholic Beverages Control Commission. In general, some of the more pertinent statutes and regulations provide that:

- No person, group or organization may sell alcoholic beverages except pursuant to a license granted by the Commonwealth through the local government licensing authority.
- No person shall operate a motor vehicle while under the influence of alcoholic beverages. Violators are subject to arrest, fine, mandatory court education programs, loss of license and/or imprisonment.
- No person who is intoxicated shall be served an alcoholic beverage. Violators are subject to fine and possible disciplinary action from the local licensing authority.
- No person or group shall purchase or otherwise procure alcoholic beverages for consumption by a person under 21 years of age. Violators are subject to criminal charges and fine.
- No person under 21 years of age shall transport, purchase, sell, possess, or receive alcoholic beverages. (Except persons who are 18, 19, or 20, may transport or carry alcoholic beverages in the course of his/her bona fide employment in an establishment licensed to sell alcoholic beverages.) Violators are subject to arrest, criminal charges and fine.

- No person shall use the liquor identification card or driver's license of another, or supply such cards to another, or furnish false information in obtaining such cards, or alter or deface such cards. Violators are subject to possible arrest, criminal charges and fines.
- In addition to the criminal penalties for wrongful handling and use of alcoholic beverages, individuals who furnish or sell alcoholic beverages to minors or to persons who are intoxicated may be liable to such persons and to anyone else who suffers personal injury as a result of such furnishing or sale. This could result in a civil lawsuit.

## II. REGULATIONS

Statutes and regulations are numerous and subject to change. The above generalizations should not be considered as a complete and categorical statement of the present law. All members of the University community are expected to acquaint themselves with the laws and regulations relative to the possession, consumption, distribution, transportation, and sale of alcoholic beverages.

**Authority** These regulations are promulgated by the Trustees of the University of Massachusetts pursuant to the provision of Massachusetts General Law, Chapter 75, Section 3, Chapter SA, Section 10, and shall be in effect in all areas and for all persons falling under the jurisdiction of the Trustees.

**Definitions** The following words as used in these regulations, unless the context otherwise requires, shall have the following meanings:

1. "Alcoholic beverage," any liquid intended for human consumption as a beverage and containing one half of one percent or more of alcohol by volume at sixty degrees Fahrenheit.
2. "All recognized student organization, fraternities, sororities, area governments and groups of students, all faculty, staff, and alumni organizations groups, al groups of visitors using Areas under University jurisdiction."
3. "Chancellor's designee," the individual or office designated as such by the Chancellor of the University for the Implementation of these regulations. See "L" of this section for duties of the responsible officer.
4. Individuals covered under this policy
  - a. "Student," any person enrolled in a class or course at the University, whether full or part time, graduate or undergraduate.
  - b. "Faculty," any person employed as an instructor, lecturer, assistant/associate or full professor at the University, whether on a full or part-time basis.
  - c. "Staff," any person employed by the University in a professional or classified capacity whether on a full or part-time basis.
  - d. "Alumni," any person previously enrolled as a student at the University, whether full or part -time, graduate or undergraduate.

- e. Any person involved in Five College activities or classes held at the University of Massachusetts.
  - f. Any person who is a visitor of or who is a guest at the University.
5. Any person who is a visitor of or who is a guest at the University.
  6. Areas under jurisdiction of the University," includes all
    - a. property occupied or used by (or used in the name of) the University;
    - b. property owned, occupied or used by the University of Massachusetts Building Authority; and
    - c. property, irrespective of ownership, which is occupied or used by a fraternity, sorority or any other recognized organization of students.

### **Individual and Group Responsibility for Alcohol Related Behavior**

1. All individuals and groups covered under this policy are to observe Massachusetts state laws pertaining to alcohol, including the 21 year old drinking age law, and be aware of the legal ramifications of noncompliance.
2. Damage to or destruction of property, or injury to person(s) which is caused by or can be shown to be related to the consumption of alcohol will be subject to disciplinary action. The association of alcohol with problem behavior shall not be seen as a mitigating factor in the disciplinary process.
3. Employees or students who become the subject of campus police and security reports involving alcohol, and groups of individuals who violate campus rules because of alcohol, will be required to meet with the appropriate Vice Chancellor or his/her designated representative for discussion of the incident(s) and possible referral. Employees and students are accountable for their behavior. Behavior that violates University rules and regulations associated with alcohol abuse will be referred to appropriate Vice Chancellor or designee for intervention (assessment, education, treatment, and/or discipline) as part of the disciplinary process.
4. The sponsoring organizations of social events must abide by established procedures and standards as outlined in this policy. Failure to do so may result in action under existing University rules and regulations as may be amended from time to time and/or loss of University recognition of the organization, except where state law supersedes this action.
5. University of Massachusetts Amherst affiliated residential units and activity/social groups are responsible for adhering to rules related to alcohol service at social events and for maintaining the guidelines in this policy. Failure to do so may result in action under existing University rules and regulations as may be amended from time to time and/or loss of University recognition of the organization, except where state law supersedes this action.
6. Members of the University community who host social events in areas under jurisdiction of the University in the Amherst campus area are responsible for the alcohol related behavior of their guests.

### **Purchase of Alcoholic Beverages Restrictions**

1. Unless otherwise permitted by current campus operating procedures, no individual or organization may expend any campus funds for the purchase of any alcoholic beverages.
2. No individual or group operating under campus jurisdiction may expend monies informally collected from members of an organization for the purchase of any alcoholic beverage except where said beverage is to be served as part of a duly registered and/or scheduled event, and consistent with the cultural, educational or professional purposes of the organization.

### **Organizations Serving Alcoholic Beverages without Charge; Rules and Regulations**

1. Organizations may serve alcoholic beverages without charge within their respective premises and within established guidelines provided:
  - a. No alcoholic beverage is served to any person under the age of 21 years;
  - b. No fee is charged for any alcoholic beverage; use of chits as a substitute for cash is a violation of ABC administrative regulations and is prohibited;
  - c. No individual under the age of 21 years shall contribute to any fund used to purchase alcoholic beverages;
  - d. No alcoholic beverage shall be served to any intoxicated person.
2. An appropriate fee may be charged for live entertainment; provided, however, that the fee is not used for the purchase of alcoholic beverages.
3. Admission and consumption of alcoholic beverages may be restricted by the organization to its members and their guests. The sponsoring organization may make the final decision on the approved guest list.
4. Campus groups may have other reasonable guidelines and regulations, consistent with the regulations provided herein, to further regulate the purchase and consumption of alcoholic beverages. See "O" of this section.

### **Selling Alcoholic Beverages Rules and Regulations**

1. All sales of alcoholic beverages must be arranged through Auxiliary Services.
2. All sales of alcoholic beverages on University property shall be subject to and in conformity with any restrictions or conditions imposed by the local licensing authority.
3. All persons who are hired to serve alcoholic beverages must attend one of the bartender/server training programs offered each semester by the Alcohol Education Program or by the Department of Public Safety.
4. No alcoholic beverage shall be sold to any person under the age of 21 years
5. No alcoholic beverage shall be sold to any intoxicated person.

6. No individual or organization shall apply for a license to sell alcoholic beverages unless the Responsible Officer designated by the Chancellor of the University under "L "of this Section shall first approve said application.

### **Alcoholic Beverage Container Regulations**

1. Kegs and other large volume containers are not permitted in areas under University jurisdiction except at duly authorized/licensed events and must comply with local town regulations where applicable.
2. Open containers are not permitted in public spaces on campus except at duly authorized events/licensed events.
3. Safe disposal of any beverage container is required in all areas under University jurisdiction.

### **Regulations Pertaining to Outdoor Events**

Possession, sale, or use of alcoholic beverages at outdoor events held in Areas under the Jurisdiction of the University are prohibited, (except with the approval of the Chancellor).

### **Social Events/Advertising**

In general, social events which encourage drinking or drunkenness as themes, and the advertisement of such events, are considered inappropriate and will not be permitted. Promotional activities or events sponsored by alcohol marketers will not be permitted, except with the approval of the appropriate Vice Chancellor or designee.

### **Responsibility for Providing Certain Attendant Functions**

Any person or organization providing alcoholic beverages in areas under University of Massachusetts Amherst jurisdiction, whether or not a fee is charged, shall be responsible for providing:

1. At least three non-alcoholic beverages which are prominently displayed. No one should be coerced, even subtly, to drink or to overindulge. Persons who provide alcoholic beverages to guests bear a responsibility to see that alcoholic beverages to guests bear a responsibility to see that alcohol is not served to intoxicated individuals.
2. Food (e.g., hors d'oeuvres, snacks or meals). This stipulation makes the event more balanced and reduces the probability of inebriation.
3. A clean, sanitary serving area with unused containers, cups, ice and other utensils.
4. Reasonable control of access to the immediate areas where alcoholic beverages are served or stored.
5. Sufficient supervision to insure compliance with Massachusetts Law, including a police officer or officers wherever appropriate (see "K" of this section). Failure to adhere to this policy will result in University, civil, and/or criminal sanctions.

6. A thorough and complete cleaning of the premises within twelve (12) hours after the function has ended

#### **Director of Public Safety; Police Officers; Compensation**

1. The Director of Public Safety for the University shall, whenever possible, provide police assistance to any Organization requesting such assistance by assigning uniformed or non-uniformed officers. The individual or Organization requesting such officers shall be responsible for their compensation. Any individual or Organization requesting assistance shall make such request no later than three weeks prior to the commencement of the function.
2. The Director or any police officer(s) assigned by him/her to provide assistance shall have authority to terminate any function where the possession, consumption or sale of alcoholic beverages is being conducted in violation of these regulation or the laws and regulations of the Commonwealth, and he/she shall notify the Chancellor's Designee of any such violation.

#### **Violations, Penalties**

1. Any violation of these regulations shall constitute a violation of University Policy and shall be reported to the Chancellor's designee.
2. Any person or organization which has been found to have violated the provisions of these regulations will be referred to the Chancellor's designee. If any judicial proceeding involving the violation of the University alcohol or controlled substances policies results in finding of Housing Removal, Suspension or Expulsion, the parents or legal guardians of dependent students under 21 will be notified. The University may waive parental notification in unusual circumstances if a student makes a bona fide showing that such notification will create significant hardship.
3. For purposes of these regulations, in determining whether or not to hold any organization liable for the violations of its members at a sponsored event, due consideration will be given to the circumstances of the violation and the efforts of the organization as a whole to comply with the provisions of these regulations.
4. In addition, violations of these regulations may be reported to and acted upon by the civil authorities.

#### **Violations of the Laws of the Commonwealth; Civil and Criminal Liability**

Nothing contained in these regulations shall relieve any person or organization of the responsibility to comply with the laws of the Commonwealth and the regulations of the Alcoholic Beverages Control Commission, nor from any civil or criminal liability which may result by reason of any such violation.

- Regulations Regarding the Use of Alcohol in the Residence Halls (Code of Student Conduct, 4.1.4. Alcohol and Controlled Substances).

### **III. COMMUNITY RESOURCES FOR ALCOHOL OR OTHER DRUG RELATED PROBLEMS**

In accordance with the University's commitment to civility, services and resources are provided to support individual needs, to assist at crisis points and to provide accurate information -all related to alcohol and other drugs. Listings of resources on campus and in the community are available by calling the Dean of Students Office (545-2684), Center for Alcohol and other Drug Abuse Prevention, Division of Health Education, University Health Services (577-5181), or the Faculty and Staff Assistance Program (545-0350).