

## CHAPTER ONE

### UNIVERSITY ORGANIZATION AND CAMPUSWIDE POLICIES

#### 172 Alcohol Policy

##### 172.1 Philosophy and Objective

The University is guided by the tenets of the Mustang Way: pride, responsibility and character. Further, the University is dedicated to maintaining a safe and healthy learning environment for all members of the campus while fostering an academic setting that values community engagement and student success.

In keeping with these principles, the University Alcohol Policy is designed to serve the campuswide community while taking into account the variety of events held by its members, such as fundraising and public relations activities. This policy is intended to provide clear, consistent and constructive guidelines for the application of standards and expectations for the use, service, sale and consumption of alcoholic beverages.

The Alcohol Policy governs the use of alcoholic beverages, defined as beer, wine and distilled spirits and products, at University events on and off campus, and on premises under the administration of the University and/or its auxiliary organizations. In every instance where alcohol is permitted, the individuals and organizations involved are responsible for compliance with this policy and other relevant University regulations, such as the proper use of University funds as well as applicable local, state and federal laws.

This policy applies to all Cal Poly faculty, staff, students and alumni as well as campus volunteers, vendors, visitors and guests. Those acting as University hosts for events that include alcohol shall utilize prudent judgment in the planning, management, direction and control of the event. Members and guests of the campuswide community are expected to take individual responsibility for their behavior and for the consequences of alcohol consumption at such events.

A fundamental objective of this policy is for University hosts to engage the community in University events that consider the health and wellbeing of the participants while mitigating risks and reduce and/or transfer liability by regulating alcohol use under carefully prescribed circumstances at University events.

##### 172.2 Definitions Specific for Purposes of CAP 172

- 172.2.1 A University host is the highest-ranking management employee in the division or college that is responsible for the direction and control of the University event.
- 172.2.2 A University event is defined as a University activity that furthers the mission of the University wherein the University is partly or wholly responsible and the event is under the control and supervision of a University host.
- 172.2.3 A public event is defined as one in which the University advertises the event as open to anyone who would like to attend (i.e., the general public.)
- 172.2.4 A private event is defined as one in which the University utilizes invitations to the event and thus the event is closed to the general public.
- 172.2.5 ABC is the abbreviation for the California Department of Alcoholic Beverage Control, which regulates the consumption, service and sales of alcohol.
- 172.2.6 Consideration is defined as money as well as tickets, tokens or similar methods that have been issued in exchange for money or anything else of value including a charge of admission for any event at which alcoholic beverages are served or otherwise provided without an exchange of additional consideration.
- 172.3 Implementation and Maintenance of the Alcohol Policy
- The vice president for Administration & Finance is designated by the President to develop and maintain requirements and procedures to implement this policy including authorizing ABC license applications and designating campus permit approvers.
- 172.4 Violations of the Alcohol Policy
- University administration and/or appropriate legal authorities will address any violation of this policy by faculty, staff, students, alumni, volunteers, vendors, visitors or guests.
- 172.5 Alcohol Use, Service, Sale and Consumption
- This policy allows the responsible use, service, sale and consumption of alcoholic beverages and products on and off campus under properly authorized circumstances and at controlled locations in accordance with all local and state laws, including the California Alcoholic Beverage Control Act and any regulations under the auspices of the California Department of Alcoholic Beverage Control, in order to accommodate the various University events and activities of authorized campus hosts for the benefit of the campuswide community. All University hosts requesting the service of alcohol at a University

event, whether via approved caterer, staff and/or volunteers, shall be required to follow a system of server training that conforms to state law and campus requirements.

#### 172.5.1 Facilities for Alcohol Use, Service, Sale, and Consumption

The University has authorized several locations on campus to hold an ABC alcohol sales license. Licensed facilities include but are not limited to Mustang Station and Myron's restaurants and the Christopher Cohan Performing Arts Center, each of which are currently licensed as dining establishments with beer and wine sales for on-site consumption.

The University President or a designee (per CAP 172.3) is authorized to approve additional organizations to hold temporary or permanent ABC licenses for locations on campus to produce, serve and/or sell alcoholic beverages and products.

##### 172.5.1.1 On-Campus Leased or Licensed Facilities

Certain on-campus locations and facilities may be leased or licensed by the University or an auxiliary organization to individuals and/or companies and are operated in accordance with the provisions of the lease or license agreement.

The University may authorize the use of alcoholic beverages at on-campus leased or licensed facilities such as football tailgating areas and private suites at athletic venues for athletic supporters and guests. Authorized areas must be clearly marked, and no open containers are allowed outside those authorized areas.

The University may also authorize performers to use alcoholic beverages for reasonable personal consumption in performances, in certain backstage areas and on tour buses when used in accordance with state law and campus policy.

##### 172.5.1.2 Off-Campus Leased or Licensed Facilities

Certain off-campus locations and facilities may be leased or licensed to the University or an auxiliary organization and are required to operate in accordance with the provisions of the lease or license agreement and state law.

172.5.1.2.1 If off-campus licensed or leased facilities involve the course-related academic use of alcohol, then the academic portions of this policy applies, including but not limited to responsible management oversight.

172.5.1.2.2 If off-campus licensed or leased facilities involve a non-academic University event that includes the use of alcohol, then the non-academic portions of this

policy applies, including but not limited to event approval and other campus requirements.

## 172.5.2 Use of Alcohol

### 172.5.2.1 Alcohol Use by Students on Campus

In an effort to maintain a high level of student success and public health, and in accordance with state law, all students are prohibited from possession and/or consumption of alcohol on campus outside of authorized areas. Any student under the age of twenty-one is strictly prohibited from possession and/or consumption of alcohol on campus or at off-campus University-hosted events. Students' events are not allowed to serve or sell alcohol on campus; thus, University events, meetings and activities that are student club and/or student managed are not considered University events under this definition, unless they are under the direction and control of a University host and have an approved permit.

### 172.5.2.2 Alcohol Use and On-Campus Residential Life

Faculty, staff, administrators, students and others live on campus. Those residents that are legally able to purchase and/or consume alcohol and choose to do so may only do so in accordance with state law and campus policy.

#### 172.5.2.2.1 Alcohol Use in Residence Halls

Alcohol possession and use is strictly prohibited in the license agreement for the residence halls on campus, which is managed by University Housing, even if a person is legally able to purchase, possess and consume alcohol products.

#### 172.5.2.2.2 Alcohol Use in On-Campus Apartments

Alcohol possession and use is strictly controlled in the license agreement for on-campus apartment-style living, even if a person is legally able to purchase, possess and consume alcohol products. Alcohol possession, consumption and service for apartment-style living on campus are further regulated by University Housing rules and regulations as well as state law.

#### 172.5.2.2.3 Alcohol Use and the Agricultural Housing Program

Alcohol possession and use is prohibited in the student license agreement for the Agricultural Housing Program, which is managed by University Housing, even if a student is legally able to purchase, possess and consume alcohol products. Alcohol possession, consumption and service for the Agricultural Housing

Program are further regulated by University Housing rules and regulations as well as state law.

#### 172.5.2.2.4 Alcohol Use in Faculty, Staff and Administrator Residences

On-campus residences may be assigned, licensed or leased to specific faculty, staff or administrators. These facilities are to be operated in accordance with the provisions of the residence agreement.

#### 172.5.2.3 Alcohol Use Outside Campus Authorized Areas

All use of alcohol including open containers of alcohol is restricted to designated and authorized areas of campus only.

#### 172.5.2.4 Alcohol Use in Academic Programs

This policy authorizes the academic use of various alcoholic beverages, products and related activities as part of identified academic programs within the educational mission of the University and in accordance with state law. Academic use includes but is not limited to instructional programs and courses; manufacturing and processing related activities; and research and study as it relates to the business, production and sensory aspects of the alcoholic beverage industry.

##### 172.5.2.4.1 College of Agriculture, Food & Environmental Sciences (CAFES) – Wine and Viticulture Major

CAFES is authorized to allow the use of alcohol in courses under the approved Wine and Viticulture major in accordance with state law.

##### 172.5.2.4.1.1 Responsibility for Direction and Control

Supervised course-related alcohol use and related academic activities are authorized under the direction and control of the responsible dean of CAFES as part of the Wine and Viticulture curricular program.

##### 172.5.2.4.2 Extended Education – Alcohol-related Courses and Certificates

Extended Education is authorized to offer courses and certificate programs related to alcohol products and the alcoholic beverage industry and to allow the use of alcohol in approved alcohol-related courses and certificate programs in accordance with state law.

##### 172.5.2.4.2.1 Responsibility for Direction and Control

Supervised courses, certificate programs and related academic activities that include alcohol use are authorized under the direction and control of the responsible head of Extended Education as part of the educational curricular program.

### 172.5.3 Service of Alcohol

When the University authorizes that alcoholic beverages may be included at a public or private event, the responsible University host must follow state law, obtain a properly authorized campus permit and follow proper campus procedures and serving requirements. These events are required also to serve non-alcoholic beverages and provide substantive appetizers or a meal as part of the event.

#### 172.5.3.1 Alcohol Service on Campus by a University Host

A University host must hold the event at an already licensed facility on campus or must obtain a campus permit to include alcohol in accordance with state law and campus policy.

#### 172.5.3.2 Alcohol Service on Campus by an Off-Campus Entity

Any off-campus entity wishing to hold an event that includes alcohol on campus must be authorized under the direction and control of Conference and Event Planning as the University host or utilize an established campus venue with an ABC sale license.

#### 172.5.3.3 Alcohol Service at ABC Licensed Facilities

University hosts of a public or private University event on or off campus where alcohol is served should utilize ABC licensed facilities managed by properly trained professional staff and servers when feasible.

#### 172.5.3.4 Alcohol Service at Non-ABC Licensed Facilities

University hosts of a public or a private University event on or off campus where alcohol is served at facilities that are neither ABC licensed, nor managed by properly trained professional staff and servers, must follow state law, obtain a properly authorized campus permit and follow proper campus procedures and serving requirements.

#### 172.5.3.5 Alcohol Service and Sale and Service Requirements for all events

All public and private events must comply with the following:

- All service and sales must be in compliance with state law, including prohibition of sale and service to persons who may be intoxicated.
- All events are required to make available non- alcoholic beverages and substantive appetizers or a meal as part of the event.
- Servers of alcoholic beverages must have appropriate training in safe service and in compliance with ABC requirements,
- Approvers of the campus permit will set a limit on the number of alcoholic beverages that can be purchased per transaction, limit the commencement of sales to a specific period of time prior to the start of an event, and require the cessation of sales at a specific point prior to the end of the event.
- Attendees will not be permitted to bring alcoholic beverages into any facility where alcohol is being served or sold and served and attendees will not be permitted to leave a facility with alcohol.
- A system or process of checking the age of patrons purchasing or consuming alcohol for legal drinking age will be agreed upon.
- The campus University Police Department will establish guidelines for appropriate levels of security at athletic events where alcohol is being sold or served.

#### 172.5.4 Sale of Alcohol

An ABC alcohol sales license is required for any University event during which alcoholic beverages are to be provided and there is an exchange of consideration. The University, in its role as an agency of the State of California, cannot obtain an ABC license; the Cal Poly Corporation or a University designee may hold an ABC license.

##### 172.5.4.1 Direct Sales of Alcohol

With University approval, the Cal Poly Corporation or a University designee may hold permanent or temporary ABC licenses for the direct sale of alcohol to the public on campus or at off-campus University events consistent with the intent of CSU Executive Order (EO) 1109. Refer to EO 1109 or its successor for specific details.

##### 172.5.4.2 Alcohol Sales at Public Events

The University is authorized to approve the sale of alcoholic beverages at public events including at intercollegiate athletic events held at university-owned or operated facilities or other facilities over which the university has jurisdiction consistent with under EO 1109 or its successor when the properly authorized campus permit(s) and ABC licensing are in place. The University host of the

event must follow state law and follow proper campus procedures and serving requirements.

#### 172.5.4.3 Alcohol Sales at Intercollegiate Athletic Events Held at University-Owned or Operated Facilities

The University is authorized to approve the sale of alcoholic beverages at public events including intercollegiate athletic events held at university-owned or operated facilities or other facilities over which the university has jurisdiction consistent with EO 1109 or its successor when the properly authorized campus permit(s) and ABC licensing are in place. The University host of any public event at such an athletics facility must follow state law and follow proper campus procedures and serving requirements for public events.

Sales and service of alcoholic beverages at athletic events shall be limited to beer and wine, except in one circumstance. Beverages with distilled spirits (hard liquor) may be served or sold and served provided the provision and consumption of such beverages is limited to premium seating areas such as VIP suites, skyboxes, or similar areas that are distinctly separate and secure from general seating and the premium seating area is not predominately used by students or minors at the time.

#### 172.5.4.4 Alcohol Sales at Private Events

172.5.4.5 The University is authorized to approve the sale of alcoholic beverages at private events when the properly authorized campus permit(s) and ABC licensing are in place. The University host of a private event must follow state law and follow proper campus procedures and serving requirements.

#### 172.5.4.6 Auctions of Alcohol

With the properly authorized campus permit and ABC licensing in place, a University organization or program may auction donated or purchased alcohol (wine, beer and/or distilled spirits) for fundraising purposes and not for immediate consumption. An auction is considered a sale of alcohol; thus, an ABC license is required for the day(s) of the actual auction. A nonprofit organization such as an auxiliary organization may obtain an auction sales license up to 3 times per calendar year.

#### 172.5.4.7 Raffles of Alcohol

With the properly authorized campus permit and ABC licensing in place, a University organization or program may raffle donated or purchased alcohol (wine, beer and/or distilled spirits) not for immediate consumption. A raffle is

considered a sale of alcohol; thus, an ABC alcohol sales license is required for the day(s) of the actual raffle. The raffle must be coordinated by a nonprofit organization registered with the State of California to provide such events.

#### 172.5.5 Donated Alcohol

Donated alcohol may be accepted by the University or an auxiliary organization on behalf of the University as long as properly authorized campus procedures are followed such as inventory control, serving requirements and use controls. Donated alcohol may not be sold at any public event under any of the permanent sales licensed venues. Refer to University Advancement policies and procedures before accepting gifts of donated alcoholic beverages and products.

#### 172.5.6 Marketing of Alcoholic Beverages

EO 1109 permits alcohol advertising on campus in accordance with the minimum policy guidelines established therein. Campus constituents shall comply with EO 1109 whenever advertising alcoholic beverages or products and must get approval from University Marketing and Communications office before advertising.

##### 172.5.6.1 Guidelines for Marketing of Academic Courses and Programs that Include Alcohol

###### 172.5.6.1.1 Marketing of the Wine & Viticulture Major in CAFES

When advertising Wine & Viticulture academic courses and programs that involve alcohol products and/or the industry as part of the curriculum, the University may include reference to alcohol and related products under the direction of the responsible dean of CAFES and pursuant to guidance from the Marketing and Communications office before advertising.

###### 172.5.6.1.2 Marketing of Courses and Certificate Programs in Extended Education

When advertising Extended Education courses and certificate programs that involve alcohol products and/or the industry as part of the curriculum, the University may include reference to alcohol and related products under the direction of the responsible head of Extended Education and pursuant to guidance from the Marketing and Communications office before advertising.

##### 172.5.6.2 Guidelines for Marketing of Non-Academic Events and/or Activities that Include Alcohol

###### 172.5.6.2.1 Advertising of Non-Academic Public Events

EO 1109 permits on-campus alcohol advertising in accordance with the minimum policy guidelines established therein. Campus constituents shall comply with EO 1109 whenever advertising alcoholic beverages or products as part of a non-academic public event. This policy does not preclude events such as wine tastings and beer gardens at University events that are being held to promote and support the University.

#### 172.5.6.2.2 Advertising of Non-Academic Private Events

Events that fall under the definition of private events for advertising purposes are by invitation and are not advertised to the public at large and, therefore, are not commercially advertised. Private events shall follow the same considerations outlined in EO 1109 as they relate to the promotion of the events and the incorporation of alcohol and any sponsorship.

#### References for CAP 172:

1. Date approved by the President: August 21, 2017
2. Effective Date: August 21, 2017
3. Responsible Department/Office: President's Office
4. Revision History: CSU Executive Orders 1068 and 1098 updated below on 4/24/15; Replaces CAM 270 as of 4/30/15, CSU Executive Order 1109 updated July 14, 2017.
5. Related University Policies, Procedures, Manuals and/or Documents:
  - a. Campus alcohol use approval and permit processes
  - b. Residential Life alcohol regulations
  - c. Agriculture Housing regulations
  - d. Tailgating regulations
  - e. Athletics Suite regulations
  - f. [CSU Executive Order \(EO\) 1109 or its successor](#)
  - g. [CSU Executive Order \(EO\) 1068 or its successor](#)
  - h. [CSU Executive Order \(EO\) 1098 or its successor](#)
  - i. [Substance Use and Abuse Advisory Committee \(SUAAC\)](#)
  - j. University Development CAP policy on donations and/or gifts.
6. Laws, Regulations and/or Codes of practice referred to herein or related to this policy:
  - a. Penal Code
  - b. [California Department of Alcohol Beverage Control](#)
  - c. CA laws: [Alcohol Beverage Control Act](#)
  - d. Federal Laws
  - e. [Coalition of Higher Education Associations for Substance Abuse Prevention](#)