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## Policy #FA049: Alcohol and Drugs

Recommended for Approval by:

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John Hynes, Senior Vice President for Strategic Initiatives and Administration

Approved by:

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Dr. Dale-Elizabeth Pehrsson, President

Effective Date: 07/01/2022

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### A. Intent

The intent of the policy is to establish the clear requirements concerning alcohol and drugs at Pennsylvania Western University (PennWest), as well as University-sponsored events held off-campus.

### B. Definition(s)

**Alcoholic Beverage** – any beverage containing more than one-half percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

### C. Policy

Illegal or abusive use of drugs or alcohol by students and employees can adversely affect the educational environment and prevent a person from achieving personal, social, and educational goals. It can also result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased risk of incidents, which may result in death or permanent injury to themselves or others. Free, confidential counseling for alcohol and other drug abuse issues is available to students and employees through PennWest Counseling Services, Health Services, and the State Employee Assistance Program (SEAP). Other resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all of which might include a fee.

The possession, manufacturing, sale, distribution or use of any illicit drugs or alcohol on University property or as part of any University-sponsored activity is expressly prohibited, except as outlined in this policy. Any violation of this policy may be investigated by PennWest and may result in disciplinary action, regardless of whether the violation is a

violation of state or federal law. In accordance with the Family Educational Rights and Privacy Act (FERPA), the University reserves the right to notify the parents/ guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating this policy.

### **Alcohol**

The University opposes the misuse and abuse of alcoholic beverages. The possession, manufacturing, sale, service, and/or consumption of alcoholic beverages on University property and at all University-sponsored activities is expressly prohibited, except as outlined in this policy.

- In accordance with Commonwealth law, the serving, distribution and/or sale of alcoholic beverages to individuals under the age of 21 is prohibited. Individuals under the age of 21 shall not possess or consume alcoholic beverages. Individuals misrepresenting their own age or the age of a minor to obtain alcohol, may be subject to University disciplinary action whether or not the particular acts would have constituted a violation of law. University Police are required to notify the parents or guardian of individuals under the age of 21 that attempt to purchase, consume, or transport an alcoholic or malt brewed beverage.
- The possession and/or consumption of alcoholic beverages in any University building or on any University-owned, leased, or controlled property, including residence halls, athletic fields and facilities, and vehicles is prohibited except as outlined in this policy. Students 21 years or older may only have alcohol in designated areas in University housing, in accordance with the Residence Hall Handbook. These students may have up to one twelve pack of beer in 12 oz cans or bottles and up to 2 standard (750 ml) bottles of wine. The possession of and use of liquor is prohibited within University housing.
- No open containers of alcoholic beverages are permitted on University property for non-University sponsored activities, except as allowable by this policy.
- University funds, including funds from state appropriations, from tuition and fees charged to students, including funds derived from the Student Activity Fee, and from grant funds cannot be used for alcohol-related expenses (i.e., alcoholic beverages, liquor liability insurance).
- Advertising of any event, on- or off-campus, where alcohol is served cannot encourage the direct consumption of alcoholic beverages nor can the serving of alcoholic beverages be the main theme of the advertisement. Violations will result in removal of the advertisement.
- No games in any form that promote or encourage the consumption of alcoholic beverages are permitted.
- Any violation of PennWest policy or Commonwealth of Pennsylvania law regarding the purchase, consumption, possession or transportation of alcoholic beverages will be investigated, and may result in revocation of privileges and/or the institution of disciplinary actions and/or formal charges.

### **Drugs**

PennWest recognizes the illegality and danger of drug abuse and, accordingly, strictly

prohibits the possession, manufacture, distribution, sale and use of illicit drugs on University property or as part of any University activity.

Individuals who violate this policy may face disciplinary action, up to and including expulsion or termination of employment. In addition to University sanctions, they may be subject to criminal prosecution under federal and state laws that specify severe penalties, including fines and imprisonment, for drug-related criminal offenses.

Examples of violations include, but are not limited to:

- Misuse of over-the-counter drugs
- Misuse or sharing of prescription drugs
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

PennWest has established a Safe Harbor Program, which recognizes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of University officials, outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct allegation will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

#### **D. Procedure(s)**

Alcohol On-Campus or at University-Sponsored Events

- Alcoholic beverages may be present at events on-campus and at University-sponsored events off-campus, where permission is obtained in writing from the President, or the President's designee, by completing the Request for Use of Alcoholic Beverages. Events sponsored by student organizations may not serve alcohol.
- Individuals participating in events where alcoholic beverages are present on-campus or at University-sponsored events are subject to University disciplinary action for any violation of this policy regardless of whether the particular violation constitutes a violation of law.
- The sale of alcoholic beverages on-campus or at University-sponsored events without a license from the Pennsylvania Liquor Control Board or in disregard of the provisions of the Pennsylvania Liquor Code and/or the regulations of the Liquor Control Board is prohibited and constitutes a violation of law.
- Any sale or service of alcoholic beverages on-campus or at University-sponsored events must be provided and served by a third-party vendor(s). The vendor(s) must have completed the Commonwealth's RAMP training and possess liquor liability insurance naming Pennsylvania Western University as additionally insured. The third party shall also be responsible for implementing precautionary measures to ensure that alcoholic

beverages are not accessible or served to persons under the legal drinking age or to persons who appear intoxicated.

- Alcoholic beverages must be served; self-service arrangements are prohibited.
- The serving of alcoholic beverages will end at least one-half hour before the end of the event.
- No alcoholic beverages will be served at an event where the majority of those expected to attend will be under the legal drinking age.
- At no on-campus or university-sponsored event will unsafe or excessive consumption of alcohol be encouraged or facilitated.
- Alcohol consumption is limited to the immediate premises where alcohol is approved to be served. It is the responsibility of the third-party vendor and the event coordinator to ensure all alcohol remains within the perimeter of the approved event. Alcohol served at events approved to be held outside or in public areas must have controlled access (i.e., physical barrier) that restricts access and consumption to a specified area.
- All events at which alcoholic beverages are served must also have non-alcoholic beverages and food available.
- The third-party vendor(s), event coordinator, and the University Police have the authority to limit or discontinue alcohol service at their discretion.
- Clear signage specifying that alcohol will only be served to those who present valid I.D. must be posted at the location where alcohol is being distributed.
- Venues where individuals under the age of 21 may be present, must use wrist bands, hand stamps, or other similar methods for identifying individuals who are 21 years or older.

#### **E. Related policies**

Student Code of Conduct

Events Management Policy

#### **F. Contact Information**

Safety & Risk Management

Student Affairs

University Police

#### **G. Policy Review Schedule**

All policies will be reviewed every two years or on an as needed basis if a change in BOG, PASSHE or Pennsylvania law would create the need for an immediate change.