

ELIZABETH CITY STATE UNIVERSITY
Alcoholic Beverage Policy

Preamble

The possession and consumption of alcoholic beverages are prohibited on the campus of Elizabeth City State University (ECSU), except at approved events. This policy governs the manner in which alcoholic beverages may be consumed at approved events and establishes the disciplinary actions that may be imposed for violations.

1. Prohibition as to Students

A. Students Under Twenty-one

Students, under twenty-one years of age, are prohibited from possessing or consuming alcoholic beverages on ECSU's campus. A student, under the age of twenty-one, who possesses or consumes alcoholic beverages on campus shall be subject to student disciplinary action and/or arrest as set forth in SECTION 1.C. below.

B. Students Twenty-one or Older

Students, twenty-one years of age or older, may consume alcoholic beverages at approved campus events on the condition that proper identification with proof of age is provided at the time of the event. A student, twenty-one years of age or older, who possesses or consumes alcoholic beverages on ECSU's campus, other than at an approved event, or who aids or encourages anyone under the age of twenty-one to possess or consume alcoholic beverages on campus shall be subject to student disciplinary action and/or arrest as set forth in SECTION 1.C. below.

C. Disciplinary Sanctions

The following are the disciplinary sanctions that shall be imposed on a student for violation of this policy depending upon whether it is a first or subsequent offense. Before disciplinary sanctions are imposed, a student shall be afforded due process.

i. First Offense

The penalties listed below shall be imposed on a first-time offender. A student offender shall also be subject to suspension from the university for a first offense that involves property damage, personal assault or failure to cooperate with university officials.

- a. A fifty dollar (\$50.00) administrative fee;
- b. Notification of offense to parent(s) or legal guardian(s);
- c. Requirement of one (1) hour participation in Alcohol 101 Interactive Program or similar program at Student Health Care Wellness Program or ECSU Counseling Center;

- d. Requirement of participation in individual or group counseling sessions at the ECSU Counseling Center; and
- e. Disciplinary probation for one (1) semester; and
- f. Six (6) hours of community service.

ii. *Second Offense*

The penalties listed below shall be imposed on a second-time offender. A student offender shall also be subject to suspension from the university for a second offense that involves property damage, personal assault or failure to cooperate with university officials.

- a. A one hundred dollar (\$100.00) administrative fee;
- b. Notification of offense to parent(s) or legal guardian(s);
- c. Disciplinary probation for one (1) full academic year;
- d. Twelve (12) hours of community service;
- e. Requirement of participation in three (3) sessions at a local substance abuse facility and individual or group counseling sessions at the ECSU Counseling Center; and

iii. *Third Offense*

The penalties listed below shall be imposed on a third-time offender:

- a. Disciplinary suspension from ECSU for one (1) semester;
- b. Following the semester disciplinary suspension, a third-time offender must provide proof of completion of a substance abuse program of his or her choice;
- c. If a third-time offender violates this policy after re-admittance to ECSU, the student shall be expelled.

D. Violation of State Laws/Local Ordinances

In addition to university disciplinary action, a student who violates the laws of the State of North Carolina or local ordinances pertaining to the regulation of alcoholic beverages shall be subject to arrest.

2. Prohibited Possession & Consumption of Alcoholic Beverages On Campus By Employees

A. During Work Hours

ECSU employees are prohibited from reporting to work having the odor of alcohol on their breath or about their persons and from possessing or consuming alcoholic beverages during work hours. An employee who is accused of reporting to work having the odor of alcohol on his/her breath, about his/her person or consuming alcoholic beverages in the workplace will have the option of submitting to a breath alcohol testing analysis administered by a Campus Police Officer. A breath alcohol test result showing an alcohol concentration level of .03

or higher, shall result in a rebuttable presumption of a violation of this policy. An employee may challenge a breath alcohol test result of .03 or higher by obtaining a blood alcohol test at his/her own expense. A blood alcohol test must be performed within at least thirty (30) minutes of the breath alcohol test and the employee must notify the officer who administers the breath alcohol test upon receipt of the breath alcohol test result. An employee, who elects to obtain a blood alcohol test, will be responsible for bearing the cost(s) of having the official result submitted from the medical care facility to ECSU.

B. Disciplinary Action for Policy Violation

An employee who violates this policy shall be subject to disciplinary action as determined by the Chancellor or his designee based upon a review of the relevant facts and circumstances.

C. Breath Alcohol Test

If a breath alcohol test reveals a level below .03 or an employee does not submit to a breath alcohol test, the employee's unit head shall determine whether or not there is a need for disciplinary action and the level of disciplinary action, if any, based on a review of the relevant facts and circumstances.

D. Restriction/Limitation of Driving Privileges

ECSU employees must possess a valid North Carolina driver's license in order to operate university state-owned vehicles. If an employee's driving privilege becomes restricted or limited in any manner, the employee must notify his/her supervisor of the restriction(s) or limitation(s) on the next business day after such restriction or limitation is imposed. Limited driving privileges shall not be valid for the operation of university state-owned vehicles.

E. Violation of State Laws/Local Ordinances

In addition to university disciplinary action, an employee who violates the laws of the State of North Carolina or local ordinances pertaining to the regulation of alcoholic beverages shall be subject to arrest.

F. Employee's Assistance Program

An employee, with an alcohol abuse problem, may obtain assistance through the Employees' Assistance Program (EAP) as set forth in ECSU Policy 200.1.18.

3. Enforcement

A. In General

i. Disciplinary Action

With the exception of approved events and locations, ECSU shall take all reasonably necessary action, in accordance with the law, to keep the university community alcohol-free. Any member of the university

community who violates this policy and relevant laws or local ordinances pertaining to the possession and consumption of alcoholic beverages shall be subject to both disciplinary action by ECSU and prosecution and punishment in the North Carolina General Court of Justice. ECSU shall initiate disciplinary action against students, faculty members, administrators or staff who violate this policy.

ii. Disciplinary Process

Disciplinary action for violations of this policy shall be imposed by ECSU in accordance with the applicable procedural safeguards as set forth in ECSU's Student Handbook, ECSU's Promotion and Tenure Policy, the State Personnel Manual, policies governing employees who are exempt from the State Personnel Act, and any other applicable policies or regulations.

B. Campus Police Enforcement

i. Duties of Campus Police Department

ECSU's Campus Police Department shall take all reasonably necessary action(s) in accordance with the law and local ordinances to investigate and eliminate the possession, sale and consumption of alcoholic beverages on the campus, except as allowed at approved events in accordance with SECTION 4 below.

ii. Incident Reports

The investigating Campus Police Officer(s) shall submit a written report whenever a student, faculty member, staff member, administrator or visitor violates any law(s) pertaining to the regulation of alcoholic beverages. Arrests shall depend on the totality of the circumstances surrounding each incident. Students, faculty members, administrators, staff members or visitors who violate the law or local ordinances pertaining to the possession and consumption of alcoholic beverages shall not be insulated from criminal prosecution or punishment.

iii. Transmittal of Campus Police Incident Reports

A copy of any Campus Police incident report arising from a violation of the laws or local ordinances pertaining to the regulation of alcoholic beverages involving students, faculty members, administrators or staff members shall be forwarded to the appropriate division or unit head as follows:

a. Incident Reports Involving Students

Incident reports involving students shall be forwarded to the Office of the Vice Chancellor for Student Affairs.

b. Incident Reports Involving Faculty Members

Incident reports involving faculty members shall be forwarded to the Office of the Provost and Vice Chancellor for Academic Affairs.

c. Incident Reports Involving Administrators or Staff Members

Incident reports involving administrators or staff members shall be forwarded to the Head of the Division or Unit to which the administrator or staff member reports.

4. Alcoholic Beverage Consumption at Approved Events

A. Chancellor Approved Events

With the Chancellor's approval, alcoholic beverages may be served and consumed at designated rooms at the K. E. White Center or designated rooms of other campus buildings on the condition that the event sponsor obtains a permit from the North Carolina Alcoholic Beverage Control Commission. Alcoholic beverage permits must be submitted to the Chancellor's office at least three (3) business days prior to an approved event or the Chancellor's approval shall be automatically revoked.

B. Restricted to Service by Catering Staff or Bartender

Alcoholic beverages may only be served at an approved event through the catering staff or a bartender. The catering staff may serve unfortified wine or malt beverages. An event sponsor must obtain a bartender to serve fortified wine, mixed beverages or spirituous liquor. Any other form of distribution of alcoholic beverages at an approved event is strictly prohibited. All unused portions of alcoholic beverages, procured by an event sponsor, must be reclaimed immediately following the event.

C. Identification Systems

At approved events, event sponsors must utilize an identification system (i.e. hand stamps, wristbands, etc.) that will allow servers and/or bartenders to readily identify those individuals, who are twenty-one years of age or older, to whom alcoholic beverages may be legally served.

D. Consumption Prohibited Outside of Designated Rooms

Alcoholic beverages shall not be carried or consumed outside of designated rooms at an approved event.

E. Sale of Alcoholic Beverages

The sale of alcoholic beverages is prohibited at approved events unless the event sponsor is a nonprofit organization that has obtained a special one-time permit

from the North Carolina Alcoholic Beverage Control Commission allowing the sale of alcoholic beverages for a single fundraising event of that organization.

- F. Security Officers
Event sponsors must obtain a security officer for the duration of an approved event.

 - G. Liability Insurance
Except for approved university sponsored events, event sponsors must obtain liability insurance, including host liquor liability coverage, for the event in the sum of not less than \$1,000,000 per occurrence, which names ECSU as an additional insured. The event sponsor must submit a certificate of insurance reflecting the required coverage to the Chancellor's office at least three (3) business days prior to the event otherwise the Chancellor's approval will be automatically revoked. An insurance quote is insufficient proof of coverage.

 - H. Time Restriction
Alcoholic beverages shall not be served twenty (20) minutes prior to the end of an approved event. Event sponsors shall be responsible for taking steps to adhere to this time restriction.
- 5. Counseling and Referrals**
- A. Campus Community Responsibility
With the exception of approved events, it shall be the responsibility students, faculty members, staff members and administrators to help in the maintenance of an alcohol-free campus.

 - B. Treatment Referrals
Upon request, the following offices are available to assist students and employees with alcohol treatment referrals. Any such referrals shall be handled confidentially.
 - i. Students
Students with alcohol treatment needs may voluntarily contact ECSU's Counseling Center. ECSU's Counseling Center may make referrals to the appropriate local or state agencies.

 - ii. Employees
The Office of Human Resources and Payroll may assist, if requested, with employee referrals to the State Employees' Assistance Program (EAP) as set forth in ECSU Policy 200.1.18.

6. Relevant Laws and Ordinances

This policy is expressly subject to all applicable laws and ordinances pertaining to the regulation of alcoholic beverages including but not limited to the laws and ordinances referenced below, as may from time to time be amended.

A. State of North Carolina

This policy is subject to N.C. General Statute 18B-302 **Sale to or Purchase by Underage Persons** which is incorporated herein by hyperlink reference:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_18B/GS_18B-302.html.

B. Local Ordinance

This policy is subject to the City of Elizabeth City Code of Ordinances, Section 50-2 **Consumption of alcoholic beverages in public** which is incorporated herein by hyperlink reference:

http://elizabethcity.govoffice.com/index.asp?Type=B_BASIC&SEC=%7bAF861AC2-1AF7-42D2-9C91-78689F9CDC2B%7d.

C. Definitions

1 The terms “fortified wine;” “malt beverage;” “mixed beverage;” “spirituous liquor” and “unfortified wine” are defined in accordance with N. C. General Statute 18B-101 which is incorporated herein by hyperlink reference:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_18B/GS_18B-101.html.

2 The term “citation” is defined in accordance with N. C. General Statute 15A-302 which is incorporated herein by hyperlink reference:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_15A/GS_15A-302.html.