University Alcohol Policy

POL07.30.04 Current Version

Authority: Board of Trustees

History: First Issued: 1985. Last Revised: 1995. Placed in University Policy Manual after EXPEDITED REVIEW, transitioned without substantive change from prior version, March 25, 2013.

Related Policies: N/A

Additional Resources: UNC Code Appendix I.C (personnel); XII (students); XIII (athletics); XVI (facilities)
Form for Requesting Permission to Serve Alcohol
N.C. General Statute 18B - Regulation of Alcoholic Beverages
N.C. ABC Commission website
City of Greenville Ordinance No. 358 and 360

Contact Information: Dean of Students Office, (252) 328 - 9297, dos@ecu.edu

1. LEGAL CONTEXT

The sale, service, possession, and consumption of alcoholic beverages are regulated by North Carolina General Statutes, Greenville City Code and University Policies. All members of the University community are obligated to obey these laws, policies and ordinances. The University does not have the right to alter the laws and ordinances or secure exemption from them. The University may be required to participate in the enforcement of the laws and ordinances.

2. DEFINITION OF UNIVERSITY JURISDICTION

Jurisdiction of the University alcohol policy shall extend to every student currently enrolled for course work at East Carolina University and to currently employed faculty and staff. It shall also extend to

properties owned by the University or leased by the University for the University's use.

3. LEGAL REQUIREMENTS OF THE STATE OF NORTH CAROLINA

In summary, North Carolina General Statutes as stated in the Alcoholic Beverage Control laws provide:

3.1 Sale of alcoholic beverages

3.1.1State law prohibits the sale of any alcoholic beverage on the university campus by any person, organization, or corporation on the campus of the university, except by a hotel or nonprofit alumni organization with a mixed beverages or special occasion permit.

3.2 Possession and consumption of alcoholic beverages

3.2.1 It is unlawful for any person less than twenty-one (21) years of age to consume and possess malt beverages, unfortified wine, fortified wine, spirituous liquor or mixed beverages.

3.3 Sale to or purchase by underage person

3.3.1 It is unlawful for any person to sell or give any alcoholic beverage to a person less than 21 years old.

3.3.2 It is unlawful for a person less than 21 years old to purchase or possess any alcoholic beverage.

3.4 Aider and Abettor

3.4.1 It is unlawful for any person to aid or abet another in violation of 3.2above.

3.5 Fraudulent Use of Identification

3.5.1 It is unlawful for any person to obtain or attempt to obtain alcoholic beverages by using or attempting to use:

3.5.1.1 A fraudulent or altered driver's license; or

3.5.1.2 A fraudulent or altered identification document other than a driver's license; or

3.5.1.3 A driver's license issued to another person; or

3.5.1.4 An identification document other than a driver's license issued to another person.

3.6 Allowing Use of Identification

3.6.1 It is unlawful for any person to allow the use of his or her driver's license or any other identification document by any person who violates or attempts to violate 3.3.2 above.

3.7 Conviction Report Sent to Division of Motor Vehicles

3.7.1 A violation of 3.2, 3.3, 3.4, 3.5 or 3.6 may result in the court filing a conviction report with the Division of Motor Vehicles. Upon receipt of the conviction report the Division will revoke the person's license for a period of one year; there is no limited driving privilege.

4. GREENVILLE ORDINANCE

4.1 **SEC. 12-1-2 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC.** (A) *Malt beverages and unfortified wine; general prohibition.* It shall be unlawful for any person to consume a malt beverage or unfortified wine on any public street in the city or any public place owned, occupied, or controlled by the city. It shall be unlawful for any person to possess an open container of malt beverage or unfortified wine on any public street in the city or any public place owned, occupied, or controlled by the city. (Greenville Ordinance No. 358 and 360)

5. UNIVERSITY POLICIES ON USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES:

5.1 Prohibition on possession and consumption of alcoholic Beverages

5.1.1 Possession and Consumption of Alcoholic Beverages are prohibited (a) for all persons under the age of 21; (b).in areas of classrooms being used for instructional purposes; and (c) in all other buildings, facilities, and grounds of the university except in instances described in provisions 5.2 below.

5.2 Permitted Possession and Consumption of Alcoholic Beverages

5.2.1 Possession and Consumption of Alcoholic Beverages by those 21 years and older are permitted if those persons who use or possess alcoholic beverages shall do so legally as prescribed by the laws of the state of North Carolina, within the regulations of East Carolina University, and in a manner that does not disrupt the lives of others. A student whose conduct is outside these parameters will be subject to university disciplinary proceedings.

5.2.2 Students who are twenty-one years of age or older are allowed

possess and consume in their own rooms or in the room of another of-age resident. Guests who are of legal age may only consume alcohol in the room of a resident who is twenty-one years old or older. Neither residents nor guests may possess or drink in the room of two underage residents (or one underage resident if the room is a single room). Students and guests who are of legal drinking age and are consuming alcohol in a room where an underage guest or resident is also drinking or is in possession of alcohol are violating the alcohol policy.

1. 5.2.2.1 Common sources of alcohol (i.e., kegs, party balls, punch bowls, etc.) are prohibited in residence halls or surrounding areas.
2. 5.2.2.2 Residents should not have a party in their room where alcoholic beverages are served. A party is defined as being more than six people in a room, regardless of age.
3. 5.2.2.3 The resident(s) of the room are responsible for the behavior of the people in the room, including the guests.
4. 5.2.2.4 Staff members can document a person who appears intoxicated even if that person does not have an open container of alcohol in his or her possession.
5. 5.2.2.5 Manufacturing of alcoholic beverages is prohibited in the residence halls.
6. 5.2.2.6 The possession of alcohol or monuments to alcohol consumption is prohibited in the rooms of underage students.

5.2.3 Possession and consumption of malt beverages and unfortified wine in nonresidential buildings on University property and areas other than the private rooms in University housing facilities are prohibited except as allowed under provisions 5.2.3.1 and 5.2.3.2 below.

1. If the request for Campus Approval of Alcohol Beverage use is granted, then the Dean of Students Office provides a copy of the form to ECU Campus Police.
2. 5.2.3.2 Possession and consumption of malt beverages and unfortified wine are permitted in Mendenhall Student Center or the Croatan Greenroom only when served in accordance to the following:

3. 5.2.3.2.1 Such alcoholic beverages will be allowed only at scheduled functions sponsored by registered campus organizations

4. 5.2.3.2.2 And only within the confines of that function with regard to time and place of consumption.

5. 5.2.3.2.3 Only such alcoholic beverages served by the sponsoring organization will be permitted at any type of activity except dinners sponsored by registered university organizations.

6. 5.2.3.2.4 Sponsoring organizations are responsible to restrict the consumption of such alcoholic beverages to persons twenty-one years of age or older.

7. 5.2.3.2.5 Permission for such functions must be obtained from the Associate Vice Chancellor / Director of Student Involvement and Leadership. Requests for permission must be made at least one week in advance and during the regular office hours of the director of Mendenhall Student Center.

8. 5.2.3.2.6 Reservations must be made with the University Central Reservations Office in Mendenhall Student Center (328-4731) at least one week in advance.

9. University catering will also provide bartending services for the alcoholic beverages.

10. 5.2.3.2.8 The consumption of such alcohol beverages is restricted to the Great Rooms, Multipurpose Room, Cynthias Lounge and Hendrix Theatre. Unfortified wine may be served in the art gallery on special occasions approved by the Associate Vice Chancellor / Director of Student Involvement and Leadership. Alcoholic beverages may be used only as a complement to programs, never as the main feature (e.g., beer blasts are prohibited).

11. A full copy of the Code is available at http://www.ecu.edu/PRR/11/30/01.

12. 5.2.3.2.10 The faculty adviser of a student organization or a student center staff member approved by the student center director must be in attendance during any function where alcoholic beverages are served in the student center.

13. 5.2.3.2.11 It is implicit in these rules that the officers of the sponsoring organization ensure adequate safeguards for compliance with federal, state, and municipal ordinances and laws and all University policies.

14. 5.2.3.2.12 Alcoholic beverages must be purchased by the sponsoring organization and distributed by a bartender through Aramark Catering Services.

15. 1. 5.2.3.2.13.1 The purchase of alcoholic beverages with student fees is prohibited.

    2. 5.2.3.2.14 Acknowledgment by Registered Student Organizations
        1. 5.2.3.2.14.1 Each student organization requesting University registration through Student Activities and Organizations shall sign the following statement which will appear on the "Campus Organization Information" form.

"I have read, understand, and agree that the members of the above registered student organization will abide by the policies outlined in the East Carolina University Alcohol Policy and any forms required by the Chancellor or Chancellor's designee governing the possession and consumption of alcohol. In the event that members of this organization do not comply with the policy, and their noncompliance takes place in the context of their membership in the organization, I understand that we are subject to a loss of registration."

5.2.3.3. Possession and consumption of malt beverages and unfortified wine are permitted in the Murphy Center only when served in accordance to the following:

1. Such alcoholic beverages will be allowed only at scheduled functions sponsored by registered campus organizations or by request of outside the University parties.

2. And only within the confines of that function with regard to time and place of consumption.

3. Only such alcoholic beverages served by the sponsoring organization will be permitted.

4. Sponsoring organizations are responsible to restrict the consumption of such alcoholic beverages to persons twenty-one years of age or older.

5. Permission for such functions must be obtained from the Assistant Director of Athletics when making the Murphy Center reservation.

Requests for permission to serve alcoholic beverages must be made at least one week in advance and during the regular business office hours.

6. University catering will also provide bartending services for the alcoholic beverages.

7. Alcoholic beverages may be used only as a complement to the event, never as the main feature (e.g., beer blasts are prohibited).

8. A full copy of the Code is available at http://www.ecu.edu/PRR/11/30/01.

9. The faculty adviser of a student organization must be in attendance during any function where alcoholic beverages are served in the Murphy Center at a student organization sponsored event.

10. It is implicit in these rules that the event planner or the officers of the sponsoring organization ensure adequate safeguards for compliance with federal, state, and municipal ordinances and laws and all University policies.

11. Alcoholic beverages must be purchased by the sponsoring organization and distributed by a bartender through Aramark Catering Services.

12. 1. The purchase of alcoholic beverages with student fees is prohibited.

5.3 Discipline and Enforcement

5.3.1 Infractions of the University policy should be regarded as University disciplinary violations, which may (at the discretion of the University) be adjudicated at the University level in addition to being adjudicated in the court system.

5.3.2 In circumstances where alcohol is indicated to be an ingredient of a problem, students, faculty and staff may be required to participate in an alcohol assessment program.

5.3.3 A person who violates state or local law or University policy while intoxicated remains fully responsible for his or her actions and the consequences thereof. The consumption of alcohol and/or the results of such consumption are never considered to compromise personal responsibility or accountability.

5.3.4 An organization not complying with the University alcohol policy will forfeit its opportunity to receive student fee support. Officers of the sponsoring organization shall be responsible for the enforcement of all University policies and regulations. Failure to comply with any of these policies and regulations may result in a suspension of recognized student organization status. Failure to follow this policy can result in charges under the East Carolina Student Code of Conduct listed in detail under section 2 of the Code. A full copy of the Code is available at http://www.ecu.edu/PRR/11/30/01.

5.3.5 At parties or events held on property within the jurisdiction of the University, violations of the policies set forth in this document may lead to the termination of the event by either a University staff person(s) and/or a Campus Police official(s) and disciplinary action against its sponsor.

5.3.6 Intoxicated/disorderly persons will be barred from entering the University's facilities or will be evicted from the facilities according to Campus Police protocol.