

Prepared by the Office of the Vice President
for Student Affairs and the Office of
Planning and Policy.
This is a new policy.

UNIVERSITY OF HAWAI'I

EXECUTIVE POLICY - ADMINISTRATION

February 1989

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E11.202 Management and Regulation of the Sale, Service and Consumption of
Alcoholic Beverages on University Premises

I. INTRODUCTION

This Executive Policy implements Section 11-3 of the Board of Regents' Bylaws and Policies, governing the sale and consumption of liquor. This policy authorizes the President to establish policies under which the sale, service or consumption of alcoholic beverages may be permitted on each campus of the University of Hawai'i.

The University encourages the development of continuing programs for students and other members of the academic community regarding the responsible use of alcoholic beverages.

II. OBJECTIVES

The objectives of this policy are to:

- (1) Implement Section 11-3 of the Board of Regents' Bylaws and Policies, by specifying systemwide policies and procedures governing the sale, service, and consumption of alcoholic beverages on University premises.
- (2) Insure that the general use of alcoholic beverages on University premises comports with all applicable state laws.
- (3) Reduce the University's liability exposure.
- (4) Establish a positive context for the responsible use of alcoholic beverages on University premises.

III. POLICIES

- A. Applicability: This policy governs the consumption of alcoholic beverages on premises under the administration of the University of Hawai'i and at off-campus locations used by University organizations or units sponsoring activities at which alcoholic beverages are sold or served. In all instances where consumption

is permitted, the sponsoring persons or organizations, whether they be connected with the University or not, are responsible for compliance with all applicable laws and University policies and regulations. Individuals or organizations in violation thereof may be subject to appropriate sanctions.

This policy does not cover the sale, service and consumption of alcoholic beverages at such special University facilities as College Hill, the baseball stadium, oceanographic vessels, observatories and other similar facilities where special policies exist.

The President, at the President's discretion, may exempt other facilities or events from the purview of this regulation.

B. Definitions: As used in this policy:

"Alcoholic Beverage" includes alcohol, liquor, brandy, malt liquor, whiskey, rum, gin, okolehao, sake, beer, ale, wine, or any beverage containing one-half of one percent or more of alcohol by volume.

"The chief executive officer of each campus" means the President at Mānoa, the Chancellor at Hilo and West Oahu, and the Provost at each community college.

"Consideration" means money, tickets, tokens or chits that have been issued in exchange for money or anything else of value.

"President" means the President of the University of Hawaii or the President's designee.

"Private consumption" means those circumstances and situations where individuals or small groups of individuals drink alcoholic beverages in the privacy of their on-campus office, conference room, or residence hall room.

"Sale" means to provide or deliver alcoholic beverages for value or in any other way than purely gratuitously. Sale also includes those situations where an admission or entry charge to an event or activity entitles the purchaser to alcoholic beverages.

"Service" means those circumstances and situations where an individual or organization provides alcoholic beverages to others at an established time and place without receiving compensation from consumers of the beverage.

C. Adherence to State Laws: The use of alcoholic beverages on University of Hawai'i premises shall be in accordance with all applicable State laws. Major laws are highlighted below in an

abbreviated form for general use only. It is the responsibility of both the server and consumer of alcoholic beverages to be aware of and abide by all existing laws and regulations.

1. It is unlawful to consume alcoholic beverages on any public highway or any public sidewalk (S281-78, HRS).
2. It is unlawful for a licensee to sell or furnish alcoholic beverages to: any person under twenty-one years of age; any person under the influence of liquor; any person known to be addicted to excessive use of intoxicating liquor; or any person for consumption in any vehicle on the licensed premises (S281-78, HRS).
3. It is unlawful to permit the sale or service of liquor by any person eighteen to twenty years of age except where such selling or serving is a part of that person's employment and proper supervision is available to ensure that the minor does not consume any liquor (S281-78, HRS).
4. It is unlawful for liquor to be sold or served by a person below the age of eighteen upon any licensed premises except in such individually licensed establishments found suitable by the liquor commission for job training and employment for dining room waiters and waitresses in cooperation with the University of Hawai'i (S281-78, HRS).
5. It is unlawful for any individual or licensee to sell or offer for sale, deliver or give any alcoholic beverage to a minor, or permit a minor to possess intoxicating liquor while on property under his or her control. (S712-1250.5(1), HRS).

D. General Guidelines: The following general guidelines cover the sale, service, consumption and possession of alcoholic beverages on University of Hawai'i premises.

1. The service of alcoholic beverages at any University-sponsored or University-connected function, event or activity must have official approval prior to the event. Such approval shall be granted by the chief executive officer of each campus or by an authorized designee. It is the prerogative of the University to deny any such request.
2. Alcoholic beverages may not be served in any classroom or laboratory.
3. The sale, service, consumption or possession of alcoholic beverages on University of Hawai'i premises shall be in accordance with the applicable laws and shall be permitted only in the following areas:

- a. Individual dormitory rooms or residences occupied by those twenty-one years of age or older. The responsibility for the conduct or behavior of all persons involved in drinking alcoholic beverages in this private room rests with the occupant who is twenty-one years of age or older;
 - b. Areas specifically designated by the University for a particular function not open to the public;
 - c. Private offices or private spaces where a social function or small meeting is being held with the approval and in the presence of an appropriate University official or faculty member;
 - d. Areas, properties or establishments lawfully licensed to sell or serve alcoholic beverages; and
 - e. Off-campus locations used by campus organizations or units sponsoring activities, subject to the regulations of the facilities being used.
4. Alcoholic beverages may be sold or exchanged for consideration only with an appropriate license from the liquor commission. A beverage service contractor must obtain and display its license to sell alcoholic beverages on University premises.
 5. Whenever alcoholic beverages are served, non-alcoholic beverages must also be made available.
 6. Alcoholic beverages shall only be served or sold by persons who are at least twenty-one years of age except where such serving or selling is part of the employment of the person, provided proper supervision is available to ensure that the minor person does not consume any liquor and the establishment is licensed and found suitable by the liquor commission for job training for waiters and waitresses in cooperation with the University of Hawai'i.
 7. Attendance at events held on University premises at which alcoholic beverages are served is limited to members of the sponsoring organization or unit and their guests.
 8. Individuals attending events held on University premises at which alcoholic beverages are served, are prohibited from bringing their own alcoholic beverages.
 9. Sponsors of events held on University premises at which alcoholic beverages are served, shall end the service or sale

of alcoholic beverages in advance of the scheduled time of completion of the activity sufficient to promote the safety of the participants. It is suggested that the service or sale of alcoholic beverages be terminated at least one hour before the conclusion of the event.

- E. Liability: Individuals representing organizations, units, or groups sponsoring activities at which alcoholic beverages are to be sold or served should be aware of their potential liability and other consequences incurred by them and their organization in the event a lawsuit is filed. It is recommended that liability insurance be purchased before the service or sale of alcoholic beverages is approved. (Also see requirements contained in Administrative Procedure A8.370, Risk Management Guidelines and Procedures.)

In approving any request relating to the service, sale or consumption of alcoholic beverages at any University function, event, or activity, the chief executive officer at each campus, or any authorized designee, may require a release of University liability or indemnification.

- F. Sanctions: Violations of this Executive Policy shall be subject to the following:

1. Functions, activities or events shall be canceled and all alcoholic beverages shall be removed from the premises. Confiscated alcoholic beverages may be returned on the following work day upon proper application to campus officials.
2. Individuals or organizations involved in such violations may forfeit future use of University facilities.
3. Individual violators may be referred to legal authorities for investigation and arrest.
4. Student violators may be disciplined under the Student Conduct Code.

IV. ADMINISTRATIVE PROCEDURES

- A. Approval: Functions where alcoholic beverages are served must be sponsored by an official campus unit, registered student or campus organization, or college organization recognized by an appropriate Dean or Director. Any request to approve the sale, service or consumption of alcoholic beverages must be submitted by at least two individuals representing the sponsoring organization or group. These individuals shall agree in writing to comply with this

executive policy and accept personal responsibility for the function.

1. The requesters must submit their request on such forms as each campus may make available for this purpose in accordance with campus deadlines.
2. Upon receipt of a properly completed request, the chief executive officer of each campus, or an authorized designee, shall review the function for approval. Each request shall be considered individually. Campuses may impose any additional requirements that may be deemed desirable or prudent prior to approving any request.
3. A request for approval shall not be required for the private consumption of alcoholic beverages as defined and provided for in this policy.

B. Control of Function: Individuals and organizations sponsoring functions or events at which alcoholic beverages are sold, served or consumed shall be responsible for the following:

1. Compliance with this executive policy;
2. Adequate control to ensure that all persons being served alcoholic beverages are at least twenty-one years of age by requiring positive proof of age;
3. Denial of sale or service to individuals who are obviously intoxicated or who appear to be turning over alcoholic beverages to persons under twenty-one years of age; and
4. Termination of the sale and service of all alcoholic beverages must be in advance of the scheduled time of the activity sufficient to promote the safety of participants. It is suggested that the service or sale of alcoholic beverages be terminated at least one hour before the conclusion of the event.

C. Advertising: No advertising or invitations to any function requiring approval by the chief executive officer of the campus, or an authorized designee, may be circulated until final approval for the event has been given.

When advertising an approved function the following shall apply:

1. Functions or events shall not be advertised in any way that implies or suggests that the activity is open to the public.
2. Advertisements may mention the sale, service or consumption of alcoholic beverages only if it is specified that:

- a. Non-alcoholic beverages will also be served; and b.
Positive age identification will be required.
3. No advertisement or invitation shall state or imply "all you can drink," "Everyone may drink," or "Open to the public."
4. The name of the approved sponsoring organization shall be included on all advertisements or invitations.