

Policy 106.1

1 Introduction

1.1 Campus underage drinking and alcohol abuse is a significant national problem resulting in consequences such as assaultive and self-destructive behavior, property damage, and loss of life. Appalachian State University (the "http://policy.appstate.eduUniversity"http://policy.appstate.edu) is concerned about the harmful effects of illegal and abusive alcohol practices on our campus and in the Boone community. The University is committed to establishing rules and regulations related to alcohol use and to providing appropriate prevention education and alternative activities for students, faculty, staff, alumni and guests. These actions represent a part of the University's comprehensive effort to maintain an environment that supports and encourages wellness, including appropriate decision-making about alcohol use.

1.2 The University also recognizes that many choose not to use alcohol for personal, medical, family, religious and other reasons. These people have the right to live, work and learn in an environment that respects and supports abstinence. This document articulates the policies and procedures governing the use or possession of alcohol at the University in order to assist faculty, staff, students, alumni, and guests in planning for and making intelligent, legal decisions regarding alcohol.

1.3 Persons seeking clarification or further information should contact the University Police (262-2150), the Office of General Counsel (262-2751), or the Office of Student Affairs (262-2060).

2 Scope

2.1 This policy applies to all faculty, staff, students, and visitors to the campus or non-campus property.

3 Definitions

3.1 ABC Permit

any written or printed authorization, issued by the North Carolina Alcoholic Beverage Control Commission ("http://policy.appstate.eduABC Commission"http://policy.appstate.edu) that is valid for a particular location or event.

3.2 Alcohol or Alcoholic Beverages

with respect to prohibitions stated in this policy, means "http://policy.appstate.eduany beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages."http://policy.appstate.edu With respect to provisions of this policy that allow possession or consumption of "http://policy.appstate.edualcohol"http://policy.appstate.edu or "http://policy.appstate.edualcoholic beverages"http://policy.appstate.edu, those terms refer to beer or unfortified wine unless an ABC permit allowing service of fortified wine, spirituous liquor and mixed beverages has been issued.

3.3 Fortified Wine

means any wine, of more than sixteen percent (16%) and no more than twenty-four percent (24%) alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

3.4 Malt Beverage

means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than fifteen percent (15%), alcohol by volume.

3.5 Mixed Beverage

means either of the following:

1. A drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.
2. A premixed cocktail served from a closed package containing only one serving.

3.6 Public or General Public

means any person other than current employees, students or invited guests. [Invited guests are not members of the "<http://policy.appstate.edu/public>" "<http://policy.appstate.edu> or "<http://policy.appstate.edu/general> public" "<http://policy.appstate.edu> for purposes of State law and this policy.]

3.7 Serve

means the act of University employees, contractors, volunteers or agents furnishing, selling, or giving alcoholic beverages to another person or persons.

3.8 Spirituous Liquor or Liquor

means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.

3.9 Tailgating

is defined as parking in a designated location or area and/or setting up non-permanent facilities (such as tents and tables) to consume food and beverages prior to an officially sanctioned University event to which the public is invited and the event has been approved for tailgating. If the Chancellor or the Chancellor's designee pre-approves the consumption of alcohol for a specific tailgating event, only malt beverages and unfortified wine may be consumed by individuals twenty-one (21) years of age or older.

3.10 Unfortified Wine

means any wine of sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

4 Policy and Procedure Statements

4.1 General Policy

4.1.1 The University supports and complies with all state and federal laws that pertain to the use of alcohol. Under University policy, it is illegal for any person under the age of 21 to possess or consume alcoholic beverages, or for any person to provide alcohol to an intoxicated person or to anyone under the legal drinking age. Campus rules and regulations, while being consistent with local, state and federal laws, reflect the educational mission of the University. Notwithstanding the foregoing, North Carolina law permits licensed and ABC Permit holders to employ persons eighteen (18) years or older to prepare, serve, dispense or sell any alcoholic beverages, including mixed beverages pursuant to their employment duties (N.C.G.S. § 95-25.5(j)(2)).

4.1.2 Persons who provide alcoholic beverages to anyone who is not of legal drinking age are in violation of North Carolina law and University policies and may be subject to both criminal prosecution and University disciplinary action. They may also be liable for personal injuries or property damages resulting from acts committed by intoxicated persons, whether underage or otherwise.

4.1.3 Members of the University community who choose to drink will be held responsible for their behavior while under the influence of alcohol. Loss of control due to intoxication in no way excuses or justifies violation of state law, University regulations, or the rights of others. See Policy 401.3 Student Abuse of Alcohol and Other Drugs and Policy 602.3 Employee Abuse of Alcohol and Other Drugs in the University Policy Manual and information provided by the Office of Student Conduct.

4.1.4 Except as otherwise expressly provided in this policy, possession or use of alcoholic beverages on University property is prohibited, unless specifically approved in writing by the Chancellor or the Chancellor's designee (e.g., the Director of Athletics for events falling within his/her jurisdiction, or the appropriate Vice Chancellor for events hosted by University departments, divisions, or entities reporting to that Vice Chancellor), or their respective designees. The Chancellor or the Chancellor's designee shall pre-approve any event held on campus and establish procedures for approval of alcoholic beverage service, provided, that use of the facility must be approved and scheduled prior to approval of alcohol use for a specific event. The Approval shall be in the form of the "Request for Approval: Events Involving Possession or Consumption of Alcoholic Beverages on Campus", hereinafter "Request for Approval" (See Alcohol Permission Form).

4.2 Events Requiring Approval

4.2.1 Events requiring approval fall into one of the following categories:

1. Malt beverages and/or unfortified wine will be served but not sold to guests (including members of the public). Neither fortified wine nor spirituous liquor will be served or sold. No ABC Permit shall be necessary for the event.

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2. A BYOB event, at which individuals may not enter or participate with more than a six-pack of 12 oz containers of beer or wine coolers (72 oz) or 750 ml of unfortified wine. Individuals may not enter or participate with spirituous liquor or fortified wine. No ABC Permit shall be necessary.
3. Spirituous liquor and/or fortified wine will be served but not sold to invited guests at a reception, party, or other special occasion held on campus by a third party. The third party seeking to use a University facility for such a special occasion must obtain a Limited Special Occasion Permit issued by the ABC Commission.
4. Malt beverages, unfortified wine, or fortified wine will be sold at a single fund-raising event of the University. A Special One-Time Permit issued by the ABC Commission shall be necessary.
5. Brown-bagging (allowing each patron to bring up to eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, onto the premises and to consume those alcoholic beverages on the premises) will be permitted at a single fund-raising event of the University. A Special One-Time Permit issued by the ABC Commission shall be necessary.
6. Wine, malt beverages, and/or spirituous liquor will be served but not sold to patrons at a ticketed event held to allow the University to raise funds. A Special One-Time Permit issued by the ABC Commission shall be necessary.

4.3 Legends and Plemmons Student Union

4.3.1 The use and consumption of alcoholic beverages at Legends or the Plemmons Student Union shall conform to applicable law. Events conducted at Legends or the Plemmons Student Union under the supervision of Student Affairs staff are not subject to the Request for Approval requirements of this policy.

4.4 Performing Arts Centers

4.4.1 Although State law generally forbids the issuance of a "http://policy.appstate.edu permit for the sale of malt beverages, unfortified wine, or fortified wine on the campus or property of a public school or college," http://policy.appstate.edu the statute provides an exception permitting "http://policy.appstate.edu constituent institutions of The University of North Carolina" http://policy.appstate.edu to obtain a permit allowing "http://policy.appstate.edu the sale of beer and wine at performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 seats." http://policy.appstate.edu The Chancellor has designated the following as performing arts centers for purposes of this statute: The Schaefer Center for the Performing Arts, Rosen Concert Hall, Valborg Theater, and the Turchin Center. Each performing arts center intending to sell malt beverages or unfortified wine must obtain an "http://policy.appstate.edu On-Premises Malt Beverage Permit" http://policy.appstate.edu and/or an "http://policy.appstate.edu On-Premises Unfortified Wine Permit," http://policy.appstate.edu depending on which alcoholic beverage is to be sold. In addition, spirituous liquor may not be sold at a performing arts center. For events at which an ASU performing arts center will sell malt beverages or unfortified wine pursuant to an On-Premises Malt Beverage Permit or an On-Premises Unfortified Wine Permit, such events are not subject to the Request for Approval requirements of this policy.

4.5 Residence Halls

4.5.1 Only persons twenty-one (21) years of age or older may possess alcoholic beverages in their own residence hall rooms or in rooms where they are invited guests and the host is at least twenty-one (21) years of age. Housing & Residence Life has adopted restrictions on the amounts of alcoholic beverages that residents who are twenty-one (21) years of age or older may bring into a residence hall or maintain in their residence hall rooms. Guests, regardless of age, may not bring alcoholic beverages into residence halls.

4.6 Yosef Club Hospitality Events

4.6.1 The sale, use, and consumption of alcoholic beverages at the Yosef Club Hospitality Events shall conform to applicable law. Because the Yosef Club operates under an ABC permit, a Yosef Club Hospitality Event is not subject to the Request for Approval requirements of this policy

4.7 Athletics Complex at Kidd Brewer Stadium

Club Level

4.7.1 Alcoholic beverages (malt beverages and unfortified or fortified wine) will be made available for purchase for individuals over twenty-one (21) years of age on the club level of the Athletics Complex during publicly ticketed events. Appropriate permits must be obtained from the ABC Commission for alcohol to be present during events. A Request for Approval form must be completed prior to any non-football game events.

Suite Level

4.7.2 Suite holders may bring their own unfortified wine, fortified wine, spirituous liquor and malt beverages into their suite for football games. Suite holders will be allowed to access their suites on the Friday prior to home football games by arrangement with Athletics Department staff. No alcohol may be brought into the Athletics Complex on game day. Suite holders are responsible for controlling distribution of alcoholic beverages to their guests and for ensuring that individuals consuming alcohol are over twenty-one (21) years of age.

4.8 Responsibilities of Hosts for On-Campus Events Where Alcoholic Beverages are Allowed

4.8.1 All University students, employees, units and recognized organizations hosting activities, events, and programs where possession or consumption of alcohol is to be allowed must complete the Request for Approval, unless the event is to be held at Legends, the BICC, or another facility (such as a performing arts center) operating under its own ABC Permit, and comply with the following requirements:

1. Any participant who consumes alcoholic beverages at such events must produce for University officials, upon request, a valid driver's license or other photographic identification that reflects the person's age.
2. All recognized University clubs, organizations, departments, and officially sanctioned activities must abide by all laws and policies of the State of North Carolina and the University.
3. Hosts must ensure that only individuals twenty-one (21) years of age possess or consume alcoholic beverages and that intoxicated individuals are not served alcohol. Also, only persons eighteen (18) years of age or older may be employed to serve, dispense or sell alcoholic beverages, including mixed beverages, pursuant to their employment duties.
4. Individuals may not enter or participate in a BYOB event on campus with more than a six-pack of 12 oz containers of beer or wine coolers (72 oz) or 750 ml of unfortified wine. Neither spirituous liquor nor fortified wine is permitted at a BYOB event. Facility managers may adopt more stringent limitations for specific events.
5. Except as otherwise required by law, regulation or ordinance, no University student or employee shall be denied access to any benefit or opportunity that the University provides on the basis of age. The University wishes to ensure that no University student or employee shall be prohibited from attending an event or participating fully in the program benefits offered, within the limits of the law, solely on the basis of his or her age. University units and recognized organizations are responsible for arranging supervision of an event

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where alcohol is served to assure access for all eligible participants, and that no underage consumption of alcoholic beverages occurs.

6. Drinking games or other activities that encourage excessive consumption of alcohol will not be tolerated and are prohibited.
7. Alternative beverages must be available at each event in sufficient quantities for those participants who cannot legally drink and for those who choose not to drink alcoholic beverages.
8. A sufficient amount of food products (based upon number of participants) must be available at all times.
9. Adequate restroom facilities are required and must be in close proximity to these events.
10. A copy of the completed Request for Approval must be delivered to the University Police at least seventy-two (72) hours in advance. When the nature and size of the event require greater than normal staffing on a given date, as determined in the sole discretion of the University Police Chief or that official's designee, the sponsor or host will be required to pay the expense of University Police officers to be in attendance.
11. It is the responsibility of the University departments as well as the organizations' sponsors and/or advisors to inform their constituents of North Carolina law and University Policy in regard to events where alcohol is allowed. It is also the responsibility of sponsors to recognize their individual and/or group liability if violations of state law or University policy occur.
12. Non students and/or guests of members of the community are subject to all state laws and University policies while on University premises. Failure to abide by the laws and policies may result in a state citation and/or appropriate disciplinary action by the University.
13. Except as otherwise specified herein, this policy applies to all on-campus University functions at which alcohol is served or consumed, including faculty, staff, student, athletic, alumni, and other University events.

4.8.2 The Chancellor or the Chancellor's designee may supplement these requirements upon assessment of the special circumstances of a specific event.

4.9 Advertisement/Solicitation for Events Involving Alcoholic Beverages On-or Off-Campus

4.9.1 All University units and recognized organizations that advertise events or activities where alcoholic beverages will be consumed will adhere to the following requirements:

1. As stated above, if an event at which alcoholic beverages are sold is open to the general public, an ABC Permit issued by the North Carolina ABC Commission is required. Advertisement of such events in publicly accessible media will designate which alcoholic beverages may be sold pursuant to the appropriate ABC Permit;
2. Drinking will not be promoted or glamorized;
3. Advertisements will clearly support the 21 year old legal age limit as established by North Carolina law;
4. When advertising events where alcohol will be consumed, only the theme or the purpose of the event is to be emphasized. While the availability of alcoholic beverages at the event may be stated, it is not to be emphasized. Announcements for an approved BYOB event must specify the limitations on alcohol that may be brought into the facility (e.g., a six-pack of 12 oz containers of beer or wine coolers (72 oz) or 750 ml of unfortified wine);
5. Each department within the University that engages in advertisement and sponsorship of clubs and organizations will be responsible for understanding and implementing this policy; and
6. Each department will establish a mechanism for review of alcohol advertising and will assure that guidelines are met.

4.10 Special Provisions Concerning Tailgating

4.10.1 Tailgating at University events, including tailgating involving alcoholic beverages, may be conducted only in accordance with the University's Tailgating Policy (Policy Manual #106.2). This policy specifies the locations, times, and other conditions under which tailgating is permitted.

4.10.2 Appalachian State University does not sanction the consumption or possession of alcoholic beverages by underage persons; nor does it sanction the violation of federal, state, or local law.

4.11 Sanctions

4.11.1 Individuals who fail or refuse to comply with the requirements of this policy may be subject to legal sanctions and/or University discipline, as appropriate.

5 Additional References

Alcohol Permission Form

Tailgating Policy (Policy 106.2)

Student Abuse of Alcohol and Other Drugs (Policy 401.3)

Employee Abuse of Alcohol and Other Drugs (Policy 602.3)

6 Authority

North Carolina General Statutes, §§ 18B 101, et.seq., § 95-25.5(j)(2)

North Carolina Administrative Code, Chapter 4, § 02S.0205

Town of Boone, NC Code of Ordinances, Title XII: General Offenses, Chapter 130, § 130.15; § 130.16, § 130.17, § 130.18, and § 130.99.

7 Contact Information

8 Original Effective Date

July 16, 2009

9 Revision Dates

December 5, 2012

September 30, 2015