



The University of Toledo - Main Campus Policy

IV- 11 3360-30-11 Policy on alcoholic beverages.

The following policy applies to both on campus and to University sponsored activities, including field trips, athletic contests played off campus and conferences attended by students, faculty and staff where the University reimburses travel expenses or registration fees.

(A) Introduction

The University of Toledo prohibits the use of alcohol which is inconsistent with state, local or University regulations. It is the goal of The University of Toledo to establish and sustain an environment on campus that is conducive to the intellectual, emotional, and social growth of all the members of its community. The University is committed to the preservation of individual freedoms and the promotion of the health, safety, and welfare of the community. Pursuant to these commitments, The University of Toledo has established the following policy governing the possession, sale and consumption of alcoholic beverages on the University's campuses. It is the University's goal through these policies and programs, to encourage members of its community to make responsible decisions and to promote safe, legal, and healthy patterns of social interaction.

The University regulations are consistent with the laws of the state of Ohio as stated in the Ohio Revised Code. It is the responsibility of each student, staff, and faculty member to familiarize himself or herself with the appropriate sections of the Ohio Revised Code and the provisions of this policy and to conduct one's self in a responsible manner.

The Ohio Revised Code includes the following statements:

- (1) It is unlawful for a person under 21 years of age to purchase, consume, possess or transport any intoxicating liquor.
- (2) It is unlawful to knowingly and falsely misrepresent one's age to obtain alcoholic beverages or to represent that another is of legal age for such purpose.
- (3) It is unlawful to have in one's possession in a public place an open container of beer or intoxicating liquor.
- (4) It is unlawful to consume any beer or intoxicating liquor in a motor vehicle.

State law further mandates that no person shall furnish or buy or contribute money to the purchase of alcohol for an underage drinker; and it is illegal to use false identification or provide false identification in the purchase of alcoholic beverages. These laws are contained in Chapter 4301 of the Ohio Revised Code. The complete text of the state liquor laws and administrative regulations may be obtained from the department of campus police or the department of liquor control or see appendix A.

The University permits alcoholic beverages on campus as part of the operation of licensed university facilities and for some social events. The University deprecates misuse and abuse of alcohol. Alcohol consumption will not be considered an excuse for misconduct. Violation of University policies may result

in disciplinary action. In addition, such matters may be reported by the University to appropriate law enforcement authorities. Violators will be subject to penalties which may include separation from the University or mandatory referral for treatment.

It is the position of the University that alcohol use will not be promoted. Consistent with this position, the University will neither solicit nor accept any form of alcoholic beverage advertising or sponsorship for any University publication or in/on any University operated facility or property.

At events at which alcohol is served and in university facilities in which it is served, operators and event sponsors are responsible for complying with the laws of the state of Ohio, ordinances of the city of Toledo, and all policies of The University of Toledo. The vice president for student life or designee is responsible for administering the University alcohol policy. The vice president for student life or a designee will approve, in advance, all events, in licensed facilities or events held on/in unlicensed university premises, at which alcohol is served and, if deemed necessary, impose additional conditions and restrictions on a sponsoring organization and on events. The sponsoring organization will be prepared to provide, in writing, information pertaining to the purpose of the activity, number of participants, location, and whether the activity is public or private.

(B) Facilities

Policies and procedures for specific University facilities may be in place. Such facilities include but are not limited to residence halls, the McComas Village, Student Union and Student Center, Driscoll Alumni Center, Savage Hall, SeaGate Centre, the Glass Bowl, and the University Club. Such policies must be consistent with the University policy.

(C) Events

The use of alcohol at events held on The University of Toledo campuses is governed by the following regulations:

- (1) University funds may not be used to purchase alcoholic beverages.
- (2) Alcoholic beverages will not be served free of charge at a campus event unless the event is approved in advance in writing by the vice president or a designee and the event is otherwise permitted by University policy.
- (3) Unless otherwise approved in writing in advance by the vice president for student life or a designee, alcoholic beverages must be sold by University dining services which is a licensed, insured vendor.
- (4) The sponsoring organization, department, or approved user of facilities will oversee adherence to the alcohol policy, assume responsibility for the event and control and supervise the distribution of alcoholic beverages in accordance with all applicable laws, rules, and policies.
- (5) Institutionally approved security must be present at all times during an event unless determined by the chief of University police to be unnecessary.
- (6) No one under the age of 21 is permitted to possess, serve, or consume any alcoholic beverage. At any event where alcoholic beverages are served and/or sold, approval for the event will be based upon the age of the event participants as well as the nature of the event. For example, an event at which the majority of participants are under the age of 21 will not have alcoholic beverages available for consumption. However, a designated, physically defined, monitored area may be utilized for those of age if approved in advance.
- (7) All sale/use of alcoholic beverages on University property will be monitored by and subject to inspection by University officials.

- (8) Although no person will possess or be served alcoholic beverages without proof of legal age, state law permits any individual 18 years or over to sell alcohol in a closed container, 19 years or older to serve an open container of alcohol and anyone over 21 to tend bar.
- (9) Events where alcoholic beverages are used, served and/or sold shall not have alcohol or the consumption of alcohol as a theme. No element of an event where alcohol will be used, served, and/or sold shall encourage, in any manner, the consumption of alcohol. No event where alcohol is used, served, and/or sold shall be sponsored, in any manner, by an alcohol manufacturer, distributor, or retailer.
- (10) Use of alcoholic beverages must not be detrimental to the environment or to health and safety.
- (11) No servers of alcohol may be permitted to consume alcoholic beverages while serving nor shall they be permitted to serve while intoxicated. Intoxicated people will not be served nor permitted to possess alcoholic beverages.
- (12) At all events where alcohol is used, served, and/or sold, non-alcoholic beverages and unsalted foods must be made available in quantity sufficient for the number of guests. All food should be visible and available.
- (13) No advertising for events where alcohol is used, served, and/or sold shall refer to alcohol in any manner other than "Legal Beverages Available" or "Beer Available." Advertising for "F" permit events cannot include the sale price of alcoholic beverages nor can it refer to the price advantage or amount available.
- (14) Alcoholic beverages are not permitted to be sold or used prior to noon. For an event lasting three hours or more, sale or service must stop forty-five minutes prior to the end of the event. At no time may the sale/service of alcohol last more than three consecutive hours.
- (15) Drinking containers for alcoholic beverages will not exceed the following:
 - Beer - twelve ounces in volume
 - Wine - six ounces in volume
 - Liquor - one ounce in volume
- (16) The minimum charge for twelve ounces of beer will be \$1.00. A lower price will be charged for the same amount of non-alcoholic beverage. Other alcoholic beverages should be priced so as not to promote excessive consumption.
- (17) Under no circumstances may any alcoholic beverage be permitted to leave the approved area of the event. No alcoholic beverages may be brought into the event by an individual when alcoholic beverages are being served, and/or sold by event organizers.
- (18) Outdoor concerts
 - In addition to the above, the following will hold for outdoor concerts:
 - (a) The area in which the concert is held must be defined by physical barriers (e.g., a snow fence).
 - (b) Bottles, cans, kegs, etc., may not be brought into the concert area and/or beer serving area.
 - (c) The sale of alcoholic beverages or tickets for alcoholic beverages must end no less than sixty (60) minutes before the end of the concert. If tickets are sold, the redemption of tickets and distribution of such beverages must end no less than forty-five (45) minutes before the scheduled end of the concert.

(19) Student organizations considering sponsoring events at which alcohol is sold must, before taking action, consult with the appropriate administrative offices (Dean of Student's Office, Residence Life Office, Facilities Office, Student Union/Center, etc.) and abide by the relevant administrative decisions and University regulations. Alcohol/punch-type parties (e.g., hairy buffaloes, drinks made with "Everclear"), beer bong and party bong are prohibited. All required University permits and events forms must be submitted to appropriate University officials no later than ten days before the event.

Effective date: August 1, 2003

Certification: Sandra A. Drabik
Secretary, Board of Trustees

Date: June 25, 2003

Promulgated under: RC section 111.15
Statutory Authority: RC section 3360
Rule amplifies: RC section 3360.01

Prior effective dates:

Appendix A

Appropriate federal, state, and local laws and sanctions

The following is a description of the applicable legal sanctions under the federal, state, and local law for the under federal, state, and local law for the unlawful possession, use, or distribution of illicit drugs and alcohol, as of November 2000.

Federal law

Federal law prohibits the trafficking and illegal possession of controlled substances as outlined in 21 United States Code, Sections 811 and 844. Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years' imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Again, depending on the amount, first offense maximum penalties for trafficking class I and class II controlled substances (Methamphetamine, Heroine, Cocaine, Cocaine Base, PCP, LSD, Fentanyl and Fentanyl Analogue) range from five years' to life imprisonment and maximum fines ranging from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of a controlled substance range from up to one year in prison and a fine of at least \$1,000 but not more than \$250,000, or both.

State law

Ohio Revised Code (O.R.C.) Section 4301.63 provides that no person under the age of twenty-one years shall purchase beer or intoxicating liquor.

PENALTY FOR VIOLATION: A fine of not less than \$25 or no more than \$100 may be imposed. The court may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court and shall designate the time within which the public work shall be completed.

O.R.C. Section 4301.632 provides that no person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor or consume any beer or intoxicating liquor in any public or private place.

PENALTY FOR VIOLATION: Violation of O.R.C. Section 4310.632 is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a \$1,000 fine.

O.R.C. Section 4301.633 provides that no person shall knowingly furnish any false information as to the name, age, or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain beer or intoxicating liquor for a person under twenty-one years of age, by purchase or as a gift.

PENALTY FOR VIOLATION: Violation of the O.R.C. Section 4301.633 is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a \$1,000 fine.

O.R.C. Section 4301.634 provides that no person under the age of twenty-one years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under permit issued by the department of liquor control or sold directly by the department of liquor control.

PENALTY FOR VIOLATION: Violation of O.R.C. Section 4301.634 is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a \$1,000 fine.

O.R.C. Section 4301.64 prohibits the consumption of any beer or intoxicating liquor in a motor vehicle.

PENALTY FOR VIOLATION: Violation of O.R.C. Section 4301.64 is a misdemeanor of the fourth degree. The maximum penalty is imprisonment for not more than 30 days and a \$250 fine.

O.R.C. Section 4301.69(A) prohibits selling beer or intoxicating liquor to a person under the age of twenty-one years, or buying it for or furnishing it to such a person.

PENALTY FOR VIOLATION: Violation of O.R.C. Section 4301.69(A) is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a \$1,000 fine.

O.R.C. Section 4360.69(E) provides that no underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a parent, spouse, or legal guardian, who is not an underage person, or unless the beer or intoxicating liquor is given for medical or religious purposes.

PENALTY FOR VIOLATION: Violation of O.R.C. Section 4301.69(E) is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a \$1,000 fine.

O.R.C. Section 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol and/or drugs.

PENALTY FOR VIOLATION: Violation of O.R.C. Section 4511.19 is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a \$1,000 fine, in addition to license suspension or revocation as provided in Section 4507.16. Penalties for repeat offenders are found in O.R.C. 4511.99.

O.R.C. Section 2925.11 prohibits any person from knowingly obtaining, possessing, or using a controlled substance.

PENALTY FOR VIOLATION: Violation of this statute is drug abuse, which may be a misdemeanor or a felony depending on the specific criteria set forth in Section 2925.11(C). The maximum penalty is imprisonment for not more than sixty days and a fine of not more than \$500. Under the maximum penalty (felony in the third degree) the minimum term of imprisonment shall be two years and the maximum term shall be ten years. The penalty also includes a fine of not more than \$5,000.

Local Laws

The City of Toledo enforces all state criminal statutes cited above. In addition, the City of Toledo General Offenses Code lists some additional sanctions for drug and alcohol use.

509.03	Disorderly Conduct; Intoxication
513.05	Permitting drug abuse
513.13	Counterfeit controlled substances
513.03	Drug Abuse; controlled substance possession or use
513.04	Possessing drug abuse instruments
513.14	Possession, manufacture and sale of drug paraphernalia