



ALCOHOLIC BEVERAGES ON CAMPUS

Report by OSA Issues Committee

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When the Issues Committee sought to identify unsettled matters ripe for resolution, a number of OSA bureaus pointed to the consumption of intoxicating beverages as a high priority item. Specifically, they talked of rising rates of problem drinking among young adults, parties disrupting the peace of residence halls, damages to property, and criminal behavior accompanying or following excessive drinking. Inasmuch as 70% of the adult population in the United States drink without becoming problems to themselves or others,¹ the solution to the identified negative results of drinking becomes one of reducing excessive drinking.

Regental policy began to provide for the possession and use of alcoholic beverages on campus under certain restrictive conditions in 1973. This movement was accelerated in 1975.² In general the new policy marks out three prohibitions as follows:

1. Possession and consumption of alcoholic beverages in residence halls under conditions protective of the rights of non-drinkers and circumstances approved by the Hall Councils and the President.
2. Possession and consumption of alcoholic beverages on

¹What is Alcohol and Why Do People Drink, Center of Alcohol Studies, Rutgers University, New Brunswick, New Jersey, 1975, p. 14.

²Policy on Alcoholic Beverages, "Minutes," Board of Regents, February 8, 1974, Sections 1, 2, and 5C.

other campus areas must be within areas approved by the President¹ in consultation with student and faculty groups and under conditions approved by the proper governing unit, i.e., the Provost or President.

3. Sale of alcoholic beverages on any areas of the campus is prohibited.

Four Problem Areas. To establish operational procedures for granting special use permits for the possession and use of alcoholic beverages on campus was a first response to the passage by the Regents of the "Policy on Alcoholic Beverages."² Four problem areas arose as officials were confronted with immediate pressures by students and faculty to enjoy the fruits of the new policy. Students in residences wanted to schedule parties although lacking knowledge of laws relating to dispensing, taxing, and licensing and having no effective means of controlling attendance. Colleges, departments, and student organizations wanted to host gatherings on campus before criteria were established to assess the legitimacy of their requests. A third area of concern derives from the Student Unions which voiced a willingness to sell beer in their buildings. Lastly, student groups wished to be treated in their requests for events on campus to include the consumption of alcoholic beverages in the same manner as are faculty groups.

¹ Illustrative of such areas are lounge areas for special occasions such as reception after commencement, for visiting lecturers, or a faculty women's gatherings; gallery areas for new art show openings or motion picture previews; and other places appropriate to a University gathering.

² op. cit., Policy on Alcoholic Beverages.

Residence Halls. What are the problems stemming from residence hall parties? The small, room-sized parties, on occasion will spill over into public areas. Both guests and students may take their drinks with them. It has not been uncommon for drinkers to throw empty containers down corridors or stairwells breaking in the process glass bottles. Sometimes damages to University property occurs as problem drinkers vent their hostilities on furniture and rest room facilities. Multiple room-sized parties often attract groups larger than the facilities can accommodate. Guests in such instances take their drinks into the corridors and common areas both of which may be in non-drinking sections. Open house parties often attract even larger groups and with increased numbers comes decreased social group control.

To finance multiple and group sized parties students under the guise of contributions often require persons attending to pay a dollar or more. At this point the sponsors appear to be in violation of laws requiring licensure for sale. The sponsors are not usually hosts in the sense that they are friends of the guests or that they have personally invited the guests. In reality, the guests may be other residents, non-resident students, or non-students who have been told that a party will be held and that they are welcome to attend if they will help pay the costs of the "kegger." Under such informal circumstances, the hosts are unable to identify "guests" let alone control the number admitted. In addition the hosts are unable to identify those who disrupt the peace, steal possessions, or damage property.

To provide both staff and students with guides as to their legal obligations and liabilities the Issues Committee requested of the University Attorney's Office a search of statutes relating to alcohol which bears on the issue of dispensing alcohol at parties.¹ The IC assumes that University staff, who must deal with problems accompanying the abuse of alcohol, should be informed of applicable laws and ordinances, University regulations and practices, and the responsibilities they bear as well as those born by the hosts/hostesses.

Information received from the University Attorney's office underscores certain cautions: To have minimum problems with alcohol, the campus should accept the caveat that no use of alcohol is the best use. To furnish intoxicating liquor to another may constitute an illegal sale. To predict in advance the legal consequences of any activity in which alcohol plays a part is exceedingly hazardous. To permit liquor on campus

¹Under what circumstances do admission charges make an event the operation of a tipling house? Are student residence hall dues, vending machine profits or contributions to campus events University funds? May such funds be used to purchase alcoholic beverages? Does prior collection for beer parties constitute sale? If student groups were permitted to purchase temporary permits (24 hours) to sell alcoholic beverages, would this require both state and municipal licenses? What would be the costs? May beer parties be advertised by private, discrete groups? By a student group wishing to augment its attendance and its profits? What are the liabilities of the host? The University as the provider of facilities? The student group? What constitutes the limits of co-purchase especially with reference to BYOB parties? May a private, discrete group serving alcoholic beverages at an event charge and collect an admission fee at the door?

implies that the courts would for the purpose of the statute preventing use of intoxicating and non-intoxicating malt liquor in school buildings or on school grounds rule the University campus not a school. To encourage even unintentionally students under 19 to violate the law by misrepresenting their ages to gain admission to social events where liquor is served is fraught with significant potential legal liabilities. To furnish alcohol which causes the intoxication of a person whose actions subsequently causes damages or injury to another may result in legal action against the hosts or hostesses and the University.

Assuming that the University is committed to a liquor on campus policy and assuming validity in the above summarized cautions, the IC submits certain proposals as guides in the formulation of specific procedures.

The recommendations are predicated on the assumption that the University will have insured its staff members under a comprehensive liability plan against legal actions such as those which might be brought under the Dram Shop Act, a personal injury or property damage claim, wrongful acts, negligence, error of omission, illegal detention, invasion of privacy, assault, emotional or mental distress, and malicious prosecution. Should the University not provide such liability insurance, the staff should neither approve nor monitor parties in which alcohol is served. In addition the staff should be clearly informed of the legal risks they are incurring by sponsoring, attending, or registering such events.

The University's alcohol policy emphasizes responsible use of alcoholic beverages on campus for those who choose to drink. Therefore its policies, procedures, and practices should affirm and protect the rights of non-drinkers

and limit to the extent possible the potentials for abuse by those who drink. Responsible staff shall utilize in their preventive programing educational approaches. They shall inform students and other staff of the University's alcohol policy. They shall require registration of events in which alcoholic beverages may be served. Such registration shall constitute the procedure required for any person seeking to obtain the special use of University facilities for the privilege of serving alcoholic beverages on campus including residence hall space for hosting gatherings of people larger than the number which could comfortably be entertained in an individual's room. The registration forms provided should include or have appended to them citations from applicable laws, responsibilities of the hosts/hostesses, and space for outlining the plans to minimize abuse of the privilege by guests.

The emphasis on responsible use of alcoholic beverages underscores an educational approach not only in providing relevant information but in identifying problem areas; developing plans to present abuses; earmarking hosts/hostesses who are responsible for sponsoring a party; setting limits of numbers to available space; agreeing on a starting and terminating time; and identifying resources upon which to call in case of any emergency.

Because abuses of alcohol relates to quantity of consumption within time frames the IC strongly recommends against dispensing such beverages under conditions which stimulate rapid consumption. The following constitute some of the areas warranting disapproval: Sale as a means of raising funds for other projects however commendable the cause; "beer busts" which pass

the word around that donors may have "all you can drink for one or two dollars"; and dispensing alcoholic beverages to a segment of the public as the primary source of entertainment. The above types of restraint emphasize a desirable educational goal for those who choose to drink, namely, responsible use.

In democratic groups, a small number of persons plan a function and organize to carry it out. They are the ones who reap the rewards and accept the risks. These people should be advised at the time of registration for the event at which alcoholic beverages will be served of some of the more critical applicable ordinances and laws under which they must operate. The IC recommends that copies of such laws as the Dram Shop Act, definition of illegal sales, encouragement of minors to violate the law, and the University alcohol policy be a part of or appended to their registration form requesting a special use of certain University facilities.

Experience dictates the conclusion that excessive numbers of guests compared to the space available poses increased problems to the hosts/ hostesses. These problems range from violating the rights of others, property damage and personal injury, and disorderly conduct or breach of the peace. The IC therefore recommends that specific limits to the number of guests be set and a means of enforcing the limits be made a part of the registration procedure.

There seem always to be those who do not sense when to leave a party. To increase the probability that excessive drinking be restrained, the inclusive time for serving alcoholic beverages should be announced and

rigorously observed. The IC recommends against registering a party without a definite commitment by the hosts/hostesses to observe a closing time for serving drinks and closing the party.

To prepare for the unexpected appears to be a sound planning principle. Such planning provides for vicarious dress rehearsals of a variety of possible emergencies such as a guest who passes out, a fire, a fight, a disorderly drunk, or property damage. Sponsors should know with whom to consult or who to call and in what order. The IC recommends that registration include a critical review of the responsibilities incumbent upon the sponsors for appropriate responses to the unexpected.

The IC wishes to commend the Housing Office and its extended Residence Hall Directors' staff for the development of uncomplicated procedures to monitor the use of alcohol in the residences. The IC anticipates that their approval forms will be changed to registration forms highlighting requests for University facilities for a special use, serving of alcoholic beverages. In addition the IC supports the incorporation into the registration forms of the responsibilities incumbent upon the hosts/hostesses as specified in existing statutes.

To assure that all groups are treated alike the IC recommends the adoption of campus-wide special use forms. Certain persons would sign such forms as the designated hosts/hostesses. They would request in behalf of a student group the special use of University facilities for serving alcoholic beverages to their guests. They on the registration form would be informed of their special obligations and accountabilities. The forms would emphasize responsible use of alcoholic beverages by those who choose to drink and recognition of the rights of those who choose not to drink.

Special Use Permits. Regent's policy of 1974 requires that the hosting group obtain approval for the serving of alcoholic beverages at any event held on campus other than those held within the residence halls for the occupants thereof. First, a specific permit must be obtained by an applicant from the office of the President. Secondly, the permit may be issued only for certain areas designated by the President in consultation with other campus agencies. The IC addressed the question of what should properly constitute a designated area. Any restriction should be based on the primacy of the University's educational mission. In short, any factor which might interfere with educational programs should be minimized to the extent possible. Thus receptions, gatherings or parties whose activities might conflict with classes, seminars, laboratories, educational programs, study areas, and studio or shop projects would not be approved. To reduce potential conflicts to the barest minimum the following areas, when not otherwise scheduled, shall be designated as places where on special occasions alcoholic beverages may be served by a hosting group otherwise qualifying for a special use permit:

1. Reception or lounging areas sufficiently insulated from educational program areas so that their activities are unlikely to effect adversely general purpose classrooms, offices, seminars, laboratories, library stacks, reading and study areas, hallways and general traffic areas, open out-door and athletic areas, and shops. Such places identified by the Vice President for Administration, Deans, Directors, and persons with general supervision

responsibilities for buildings and their environs, upon approval by the President, shall for the purposes of this policy be considered "designated areas."

2. Galleries, foyers, courts, and rooms reserved primarily for regular and special meetings may also be designated areas providing they meet the tests outlined in paragraph 1.

3. Ordinarily, lawn or outside athletic areas will not be designated as places for special parties. If such an area, however, is not easily accessible to the passing public, and can be easily arranged for monitoring access, an application for an exception may be made. The assumption is that special occasions held in an outside area would be for small, distinctly identifiable groups.

The next significant question is one of identifying a set of criteria against which to measure a request for a special use permit. A student group seeking a special permit needs information regarding the conditions which it is required to meet in order to obtain approval for its request. In an attempt to identify and assess the "rigid set of criteria"¹ for receiving permission, the Issues Committee examined the "Requests for Exception to the Regents Policy on Alcohol"² from July, 1975 through March 31, 1976. There were during that span of time 110 faculty events

¹U policy on alcohol remains unchanged, "Minnesota Daily," January 28, 1976, page 11.

²Listing of Requests for Exception by Dianna J. Fischer, in memoranda to Mahmood Zaidi, November 19, 1975, January 28, 1976, and March 31, 1976.

approved, none disapproved, and 74 student events approved, three disapproved. With only three disapprovals the assessment of standards used become inferential.

Also examined in detail were the Regent's policies on alcohol,^{1,2} Guidelines for Consumption of Alcoholic Beverages,³ and Clarification of Alcohol Policy.⁴ One connotation which has intruded into University communications on alcohol is that approval for use constitutes an exception to Regent policy. Such an interpretation although having the merit of simplicity is not true. Rather than a "no drinking policy," it is a statement of conditions under which drinking will be permitted. Existing guidelines stress two conditional factors on which approvals rest. First, the occasion must be a special event, not a recurring gathering of the same group. Secondly, the occasion should be that of a small private affair, not advertised to attract the public, to feature drinking, or to raise funds. A review and study of the approvals and disapprovals already made and the semi-official guidelines for use in approving requests for special parties led the IC to recommend the following criteria against which to measure requests for special permits:

1. An event scheduled for an area not designated as one in which alcoholic beverages may be served, for a room for which a reservation has not been obtained, and for an area in which party activity is likely to interfere with

¹Interim University Policy on Use and Possession of Alcoholic Beverages in Residence Hall, "Minutes," Board of Regents, August 10, 1973.

²Policy on Alcoholic Beverages, "Minutes," Board of Regents, February 8, 1974.

³Guidelines for the Consumption of Alcoholic Beverages at the University, memorandum of an ad hoc committee, April 8, 1974.

⁴Clarification of Alcohol Policy, memorandum to the Central Officers Group by Walter Bruning, January 20, 1976.

educational or administrative functions will not be issued a special use function.

2. An event in which the consumption or serving of alcoholic beverages would be in violation of law would not be approved. A summary of applicable law will be available along with applications for permits.
3. An event in which alcoholic beverages are sold on campus will not be approved. Advanced collection of gifts from those attending or the sale of tickets for admission shall constitute sale. Purposes for the serving of alcoholic beverages on campus shall not include raising money or making profits.
4. An event which includes a small, distinctly identifiable group whose members and guests are known by the hosts and those who constitute the group is more likely to be approved than a heterogeneous gathering. Approval of an event for a group in excess of 100 persons would be unlikely inasmuch as a large group would hardly be observing a private matter of significance to its members, would not likely find gratuitous financing of beverages, and would require extensive service facilities not anticipated by the policy. Those hosting groups in excess of 100 members may be required to provide special assurances of control (of invitees, onlookers, and gate crashers) and a deposit to cover

possible damages and clean-up claims.

5. An event whose programs include casino-type games will not qualify for a permit.

6. An event whose invitees include a large number of minors ordinarily will not obtain approval.

7. An event whose sponsors plan to serve alcoholic beverages and to charge an admission fee will not obtain a special use permit unless first proof is submitted of donations of the beverages by an organization or individuals not connected with the sponsoring group.

8. An event whose plans include the use of budgeted University funds, either directly or indirectly, for the purchase of alcoholic beverages will not qualify for a special use permit.

9. An event for which application is not filed at least five school days before it is scheduled is not likely to obtain a special use permit.

10. Individual hosts or the host of a sponsoring organization must agree before a special use permit is granted to accept the following obligations:

- a. Respect the rights and needs of non-drinkers. This implies the tasteful service of non-alcoholic beverages in sufficient quantities to meet the appetites of non-drinkers;

refusal to admit any person who acts as if he is intoxicated, and immediate removal of persons whose behavior becomes socially offensive.

- b. Observe in managing the event applicable laws.
- c. Require adequate identification of those of questionable legal age who wish to be served alcoholic beverages.
- d. Set aside and monitor access to an area in which alcoholic beverages are dispensed.
- e. Control the behavior of members of the group and invitees.
- f. Restrict the number of persons to the rated capacity of the quarters.
- g. Pay for clean-up costs or damages incurred during the event.

Violations of the policy shall be handled in the ways normally associated with violations by a member of the respective group. Student violations shall be considered violations of the Conduct Code, item 7.

Alcoholic Beverages in the Unions. With increasing emancipation of the young adult, age restrictions relating to behavior are being rapidly removed. There is evident within student government circles mounting enthusiasm for beer on campus. Perhaps the legislative upward revision of the age of drinking from 18 to 19 will have a dampening effect on this thrust? Nevertheless, there will be those who will continue to press for alcoholic beverages on campus as a right, as a means of making money to support groups and the Unions, and as a means increasing sociability and relaxation.

Shall we plan now to minimize its commercial exploitation? To maximize its integration with social-cultural-recreational activities? Shall we resist the trend at slow deliberate speed? Shall we divide our facilities into areas of consumption and non-consumption as we have for non-smoking?

The IC recommends against the establishment of a single purpose facility, or bar, in the Unions. Instead it favors a multi-purpose center in which beer and wine along with snacks and food, cultural activities, and entertainment are all featured as a part of a total social environment. The IC also recommends restricting the dispensing of beer to afternoon and evening hours. Care must be given the planning of both events and facilities to avoid encouraging those under 19 to misrepresent their age in order to procure alcohol. Risks to the University could be minimized by limiting alcoholic beverages to those meeting the non-intoxicating definition and could be further minimized by contracting the facility to a private firm.

Equal Treatment. The last problem emerges from a deeply held feeling of second class status. Students observe individual faculty and faculty groups exercise privileges which are denied them. In addition they see students held accountable under the Conduct Code for behavior which the faculty may carry out without so much as a censure. Numerous students are now contending that the same rules ought to apply equally to all -- faculty, staff, civil service, and students. That is, if the faculty may drink on campus during certain hours in the Campus Club, the student should have a similar privilege in their Unions.