

**UNIVERSITY OF MASSACHUSETTS BOSTON
ALCOHOL AND OTHER DRUGS POLICY**

PREFACE

In order to provide an environment that is conducive to learning, individual growth and respectful of the rights of all, it is necessary periodically to review campus policies and when necessary make important modifications. The campus policy on alcohol and other drugs is especially in need of review. Policies have been formulated to promote attitudes towards alcohol and other drug use that are consistent with an atmosphere of civility and safety and understand that excessive, abusive, illegal and/or repetitive use of alcohol and other drugs is not supportive of the University's community goals.

I. GENERAL GUIDELINES FOR ALCOHOL POLICY

The acquisition, possession, transportation and consumption of alcoholic beverages are governed by various statutes of the Commonwealth of Massachusetts and regulations of the Alcoholic Beverages Control Commission. In general, some of the more pertinent statutes and regulations provide:

1. No person, group or organizations may sell alcoholic beverages except pursuant to a license granted by the Commonwealth through the local licensing authority.
2. No person shall operate a motor vehicle while under the influence of alcoholic beverages.
3. No person who is intoxicated shall be served an alcoholic beverage.
4. No person or group shall purchase or otherwise procure alcoholic beverages for consumption by a person under 21 years of age unless the acquiring person is the spouse, parent or guardian of the minor.
5. No person under the age of 21 years shall transport, purchase, sell, possess, or receive alcoholic beverages (except such persons over 18 who may be lawfully employed in the alcoholic beverage industry.)
6. No person under 21 years of age shall use the liquor identification card of another, or furnish false information in obtaining such a card, or alter or deface such a card.

Violation of many of these provisions can subject the violator to criminal punishment of fines and imprisonment. In addition, persons who drive under the influence, or furnish alcohol to intoxicated persons or persons under 21, may be civilly liable to any persons who suffer personal injuries. The statutes and regulations are numerous and subject to change. The above generalizations should not be considered a complete and categorical statement of the present law. All members of the University

community are expected to acquaint themselves with the laws and regulations relative to the possession, consumption and sale of alcoholic beverages.

REGULATIONS

Section 1. Authority

These regulations are promulgated by the Trustees of the University of Massachusetts pursuant to the provisions of Massachusetts General Laws, Chapter 75, section 3, and Chapter 15A, section 10.

Section 2. Definitions

The following words as used in these regulations, unless the context otherwise requires, shall have the following meanings:

- (a) "Alcoholic beverage" shall include any liquid intended for human consumption as a beverage and containing one half of one percent or more of alcohol by volume at sixty degrees Fahrenheit.
- (b) "Employee" or "staff member" shall include all full-time, part-time, permanent and temporary employees, including faculty members, and also all persons or corporations retained as consultants, providers, franchisees or independent contractors or compensated from an "03" account or on a similar non-employee basis.
- (c) "Faculty", any person employed as an instructor, lecturer, assistant, associate or full professor at the University, whether on a full-time or part-time basis.
- (d) "Individual" or "person" includes any person present in any area under the jurisdiction of the University, including students, employees, alumni, visitors and guest.
- (e) "Organization", all recognized student organizations, clubs, governance bodies, and groups of students, and all faculty, staff, and alumni organizations using areas under University jurisdiction.
- (f) "Responsible Officer", the individual or office designated as such by the Chancellor of the Boston Campus of the University pursuant to the provisions of section 8 of these regulations. The Responsible Officer is the Associate Dean of Students.
- (g) "Student", any person enrolled in a class or course at the University, whether full or part-time, graduate or undergraduate.
- (h) "University," the University of Massachusetts at Boston.
- (i) "University property" means all areas under jurisdiction of the University, including all (1) property occupied or used by the University; (2) property owned, occupied or used by the University of Massachusetts Building Authority; and (3) property, irrespective of ownership, which is occupied or used by a fraternity, sorority or any other recognized organization of students.

- (j) “Confiscated” shall include the forfeiture of seized alcoholic beverages, and the authority to destroy such alcoholic beverages as may be seized. Destruction shall be carried out by or under the supervision of a University Police Officer.

Section 3. Possession of Alcoholic Beverages

- (a) No person shall possess any alcoholic beverage in any area on University property unless such possession is in accordance with this policy and the laws and regulations of the Commonwealth of Massachusetts.
- (b) All individuals and groups shall observe the laws and regulations of the Commonwealth of Massachusetts pertaining to alcoholic beverages, including those relating to the legal drinking age of 21. Violation of such laws by any student or employee may be grounds for disciplinary action whether or not such violation occurred on University property, if such conviction is likely to bring discredit to the University.
- (c) Damage to or destruction of property, or injury to any person which is caused by or related to the consumption of alcohol will be subject to disciplinary action. The association of alcohol with problem behavior shall not be deemed a mitigating factor in the disciplinary process.
- (d) No person shall possess any open container of alcoholic beverages in University common areas, such as grounds, hallways, auditoriums, classrooms, shared offices, etc., unless such area has been expressly designated as the site of a function where the serving of alcoholic beverages has been officially approved.

Section 4. Purchase of Alcoholic Beverages; restrictions on certain funds

- (a) No student, employee or organization may expend any state appropriated funds for the purchase of alcoholic beverages. No student or student organization may expend any campus trust fund monies for the purchase of alcoholic beverages (Trustee Doc. T75-015A).
- (b) No student, employee or organization may expend monies informally collected from organization members for the purchase of any alcoholic beverage except where said beverage is to be served as part of an officially scheduled event consistent with the cultural or educational purposes of the organization, and where the serving of alcoholic beverages has been approved by the Responsible Officer.

Section 5. Serving of Alcoholic Beverages

- (a) No student, employee or organization shall serve, provide or otherwise make available any alcoholic beverages to any person except as approved by the Responsible Officer pursuant to this matter.
- (b) No student, employee or organization shall sell or offer for sale any alcoholic beverage unless they shall have received a license from the Commonwealth of Massachusetts through the local licensing authority prior to engaging in any such sale or offer to sell.

- (c) No student, employee or organization shall apply for a license to sell alcoholic beverages unless the Responsible Officer designated by the Chancellor of the University under Section 8 of these regulations shall first approve said application.
- (d) No alcoholic beverage shall be sold or otherwise made available to or by any person under the age of 21 years.
- (e) No alcoholic beverage shall be sold or provided to any intoxicated person.
- (f) The Responsible Officer may approve the serving or sale of alcoholic beverages on University property in the following instances:
 - (1) At events or occasions sponsored by an official University office or organization, a recognized student organization or a formal or informal organization of faculty members or other employees, provided timely application has been made to the Responsible Officer and all information the Officer deems pertinent has been supplied. This application must be submitted in addition to the regular request for facilities submitted to the Office of Community Services.
 - (2) On a regular basis by employee organizations, such as the Faculty Club, the membership of which is entirely, or nearly so, composed of persons over the age of 21, provided such organization has, either in its own name or through an appropriate entity such as a food service vendor, been licensed through the local licensing authority and has made application for approval to the Responsible Officer and supplied all information the Officer deems pertinent.
 - (3) By persons or groups from outside the University community who sponsor events or functions on University property, provided they obtain any necessary licenses and otherwise comply with this policy, and provided timely application has been made to the Responsible Officer and all information the Officer deems pertinent has been supplied. This application must be submitted in addition to the regular request for facilities submitted to the Office of Community Services.
- (g) All serving or sale of alcoholic beverages by students and student organizations on University property shall be limited to occasions where all or nearly all persons expected to be in attendance will be 21 years of age or over. In addition, the alcoholic beverages served or sold on such occasions shall be restricted to beer and/or wine. Any sale of such beverages shall also be subject to and in conformity with any restrictions or conditions imposed by the local licensing authority.
- (h) If the Responsible Officer does not approve the sale of alcoholic beverages, such sale is prohibited.

Section 6. Responsibility for Providing Certain Attendant Functions

Any individual or organization permitted to provide alcoholic beverages on University property, whether or not a fee is charged, shall be responsible and shall bear the cost of providing:

- (a) at least three non-alcoholic beverages;
- (b) a clean, sanitary dispensing facility;
- (c) reasonable control of access to the immediate area where alcoholic beverages are served or stored;
- (d) clean, unused containers, glasses, cups, ice and other utensils;
- (e) sufficient supervision to insure compliance with Massachusetts Law, including a special police detail assigned by the Department of Public Safety;
- (f) a thorough and complete cleaning of the premises within twelve hours after the function has ended.

Section 7. Director of Public Safety: Police Detail: Compensation

The Director of Public Safety for the University shall determine the appropriate number of police officers required for approved events at which alcoholic beverages will be served and shall be responsible for providing the necessary officers. The organization sponsoring the event shall be responsible for all charges associated with the police detail. (In accordance with facilities scheduling policy, payment is required in advance.)

Any person or organization requesting permission to serve alcoholic beverages shall submit such requests 14 days in advance.

The Director or any police officer(s) assigned by him to provide assistance shall have authority to terminate any function where the possession, consumption or sale of alcoholic beverages is being conducted in violation of this policy or the laws and regulations of the Commonwealth; to take any action, including arrest, which may be authorized by law; and to confiscate any alcoholic beverages involved in such violation. The Responsible Officer shall be notified of any such violation.

Section 8. Designation of Responsible Officers: Duties

- (a) The Chancellor of the University shall designate an officer or office of the University as the Responsible Officer for the implementation of these regulations.
- (b) The Responsible Officer shall have the authority to:
 - (1) establish administrative procedures and guidelines for the implementation and enforcement of this policy and for the processing of applications hereunder;
 - (2) approve applications by persons or organizations for permission to serve alcoholic beverages on University property in accordance with the terms of this policy;

- (3) approve applications to the local licensing authorities for licenses for the sale of alcoholic beverages on University property in accordance with the terms of this policy;
- (4) perform any and all acts necessary or convenient for the implementation and enforcement of this policy.
- (c) No person or organization shall have a right of appeal from a decision of the Responsible Officer. The Chancellor may, however, as a matter of discretion, reverse or modify any decision of said Officer.

Section 9. Violations, penalties

- (a) Any violation of these policies and procedures shall constitute a violation of University rules and regulations and shall be reported to the Responsible Officer on such forms as he may prescribe.
- (b) Upon receipt of any notice of alleged violation, the Responsible Officer may, if sufficient cause exists, initiate proceedings under the Code of Student Conduct or report the matter to the appropriate supervising University official for employee discipline.
- (c) In addition to, or in lieu of, the penalties provided for violations of University rules and regulations, if a violation is found to have occurred the body or official responsible for determining a sanction may terminate, suspend or modify the liquor privileges of the person or organization found to have violated the provisions of these policies and procedures. Any such termination or suspension may be appealed to the Responsible Officer. Students who are under 21 years of age and are found responsible for violating alcohol and other drug policies are subject to parental or legal guardian notification.
- (d) For purposes of these regulations, an organization is responsible for the actions of its members and may be jointly liable for any violation of these regulations by any of its members. In determining whether or not to hold any organization liable for the violations of its members, the body or official charged with determining a sanction shall give due consideration to the circumstances of the violation and the efforts of the organization, as a whole, to comply with the provisions of these regulations.
- (e) The body or official charged with determining a sanction shall notify the Responsible Officer of all actions taken by it relative to alleged violations of these policies and procedures.

Section 10. Violations of the Laws of the Commonwealth: Civil and Criminal Liability

Nothing contained in these policies and procedures shall relieve any person or organization of the responsibility to comply with the laws of the Commonwealth and the regulations of the Alcoholic Beverages Control Commission, nor from any civil or criminal liability which may result by reason of any such violation.

II. GENERAL GUIDELINES FOR OTHER DRUGS POLICY

The general policy relative to substance use and/or abuse by UMASS Boston students is contained in the Code of Student Conduct. The Code defines as a violation of proper conduct the “(m)anufacture or attempted manufacture, or use, possession or distribution of narcotic or dangerous drugs or controlled substances, including, but not limited to marijuana and lysergic acid diethylamide (LSD), except as expressly permitted by law.” In addition, any student engaged in employment pursuant to the provisions of a federal grant or contract (i.e., work/study) is included under the policy statement relative to employees contained in the March 15, 1989 memorandum issued by the University President.

Section 1. In the event that a student is observed to be under the influence of drugs or alcohol, appropriate action is to be taken. The progression of actions, from the least to the most severe, is the following:

- (a) The supervisor/faculty member will discuss his/her concerns and observations with the student. The supervisor/faculty member will recommend that the student seek assistance and will suggest a referral to appropriate University services. This will occur on an informal (verbal) basis and will not be included in the student’s record. Appropriate arrangements will be made to ensure that the student reaches his/her home safely that day.
- (b) Should there be a repeat occurrence, the referring supervisor/faculty member will submit a written statement to the Dean of Students (or designee). Again, the student will be encouraged to utilize appropriate University services.
- (c) Any continued use by the student of drugs and/or alcohol at school will result in an investigation by the Dean of Students (or designee). The student may be subject to administrative disciplinary action which may range in severity from oral and written reprimand, parental or legal guardian notification, probation, suspension, and/or expulsion from the University.

Students may also utilize the appropriate hearing and grievance procedures available to them during this process. These procedures are described in detail in the Code of Student Conduct.

Faculty members/supervisors are to consult with the Dean of Students (or designee) relative to each student situation to ensure that disciplinary actions are followed or accelerated as dictated by the severity of the behavior. In the event of behavior that is in violation of state and federal statutes regarding controlled substances, the student will also face criminal prosecution.

Doc. T93-116, as amended | Alcohol and Other Drugs Policy, Boston

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