



**SAN FRANCISCO
STATE UNIVERSITY**

**STUDENT AFFAIRS & ENROLLMENT MANAGEMENT
DIVISION OF STUDENT AFFAIRS**

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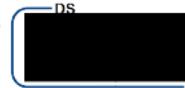
May 12, 2021

To: Lynn Mahoney, PhD, President

Via: Beth Hellwig, PhD, Interim Vice President
Student Affairs & Enrollment Management



From: Eugene R. Chelberg, Associate Vice President for Student Affairs
Student Affairs & Enrollment Management



cc: Karen Boyce, Director, Health Promotion & Wellness, SAEM
Reginald Parson, Assistant Vice President for Campus Safety & Chief of Police, SAEM
Trey Williams, Interim Associate Vice President for Student Life & Dean of Students,
SAEM

Re: Review of San Francisco State University Executive Directive UED 89-12 – Alcohol and
Drug Policy

San Francisco State University Executive Directive UED 89-12 (Alcohol and Drug Policy) was established in 2003 in the interest of providing the campus with guidelines on alcohol and drug use. Through this policy, the University seeks to provide regulations for the serving of alcoholic beverages at University functions on- and off-campus. It also addresses campus regulations related to illegal drug use on campus.

This policy has been reviewed and revised by the Alcohol Responsibility Task Force and further reviewed and revised by Health Promotion & Wellness staff in 2018 and 2021 as per the Drug-Free Schools and Communities Act, which requires all alcohol and drug related programs and policies be reviewed biannually. These reviews have brought about the following proposed revisions to the policy:

- Expanded the purpose of the policy to include information on referrals for employees and students for problems related to alcohol and drug abuse.
- Expanded the section on applicable current California laws to include the 9-1-1 Lifeline Legislation that protects persons under age 21 from criminal prosecution for calling 9-1-1 for assistance related to alcohol consumption.
- Strengthened the policy by referencing the relevant supporting policies of Student Activities & Events, Residential Life, and Athletics.
- Updated the procedures and regulations to obtain alcohol clearance.
- Established prohibitions against the serving of alcohol to those visibly intoxicated.
- Expanded the "Illegal Drugs" section to clarify that recreational and medical marijuana is prohibited on campus.

Review of San Francisco State University Executive Directive UED 89-12 – Alcohol and Drug Policy

- Confirmed the University's commitment to comply with the Drug-Free Schools and Communities Act by notifying the campus community of this policy annually.

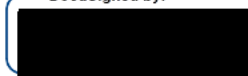
These changes were developed by an inter-disciplinary team including professionals from the University Police Department, Student Activities & Events, Residential Life, Counseling & Psychological Services, and Health Promotion & Wellness. Furthermore, the revisions were vetted by leadership from the Division of Campus Safety and the Division of Student Life. Should any questions or concerns arise during your review, please feel free to contact my office. Thank you for your consideration and for your continued support of the health and wellbeing of the entire campus community.

APPROVED

NOT APPROVED

Comments:

DocuSigned by:



President Mahoney

05/19/2021 | 8:24 AM PDT

Date



San Francisco State University Executive Directive 89-12: Alcohol and Drug Policy

San Francisco State University (SF State), in its responsibility to students, faculty, and staff, has developed the following policy and guidelines on alcohol and drug usage on the campus. This policy applies to all members of the University, all University-sponsored activities, and non-sponsored activities. Additionally, SF State expects the campus community, as well as external groups, to be aware of all state and local laws with reference to possession, serving and consuming of alcohol, to make informed decisions about alcohol and drug use, and be responsible for the consequences of those decisions.

Purpose

The intent of this policy is to regulate by directive the consumption of alcohol on campus under carefully prescribed conditions. The policy defines the regulations for the serving of alcohol beverages at University-sponsored functions at on-campus and off-campus locations, as well as non-sponsored activities. The policy also addresses campus regulations related to illegal drug use on campus.

SF State strives for a drug-free work environment. Therefore, it is also the intent of this policy to encourage the use of campus counseling resources and prevention programs when appropriate. (See Executive Directive, UED 90-15, Policy on Substance Abuse in the Workplace:

https://policiesandpracticelirectives.sfsu.edu/sites/default/files/ued90_15_0.pdf). Employees should be referred to the Employee Assistance Program (EAP) for problems related to alcohol and drug abuse. Students should be referred to Counseling & Psychological Services and Student Health Services for problems related to alcohol and drug abuse.

I. Definitions - Alcohol

“Alcoholic beverages” include alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (1/2 or .5) or one (1) percent or more of alcohol by volume, and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances (California and Business and Professional Code, 23004).

“Appropriate University official” as used in this section includes a University Public Safety Officer or the administrator assigned to be present at an event by the President or their designee. If the occasion should require, any administrator senior to the designee may exercise this authority.

“Beer” means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer, but does not include sake, known as Japanese rice wine (California Business and Professional Code, 23006).

“Distilled spirits” means an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof (California Business and Professional Code, 23005).

“Sale” means the exchanging of any “consideration,” either directly or indirectly, for alcohol. The term “sale” also includes the imposition of an admission charge to, or any other charge for the event which alcoholic beverages will be served exclusively to those who pay such a charge. “Consideration” as used above includes money, tickets, tokens, or chits that have been issued in exchange for money or anything else of value.

“Wine” means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than fifteen (15) percent added flavoring, coloring, and blending material, and which contains not more than twenty-four (24) percent of alcohol by volume, and includes vermouth and sake, known as Japanese rice wine (California and Business and Professional Code, 23007).

II. Relevant Current California Laws - Alcohol

According to California law, any person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of twenty-one (21) years is guilty of a misdemeanor (California Business and Professions Code, 25658).

Any person who sells, furnishes, gives, or causes to be sold, furnished or given away, any alcoholic beverage to any habitual or obviously intoxicated person is guilty of a misdemeanor (California Business and Professions Code, 25602).

SF State also upholds California Assembly Bill No. 1999, Chapter 245, granting limited immunity from criminal prosecution for any person under the age of twenty-one (21) years who calls “9-1-1” or the University Police Department (at (415) 338-2222) and:

- reports that they or another person needed medical assistance due to alcohol consumption;
- was the first person to make the 911 report;
- remained on the scene with the other person until medical assistance arrived; and
- cooperated with medical assistance and law enforcement personnel on the scene.

This only applies in situations of alcohol consumption.

III. Types of Alcohol-Related Activities

University-Sponsored Activities

The following regulations apply to all University-sponsored activities:

1. An “Alcohol Clearance Request Form” must be completed by the host of the event (<https://erm.sfsu.edu/content/forms>).
2. Attendance is limited to members of the University and their invited guests.
3. The event may not be publicized to the general public nor advertised on campus as an event where alcoholic beverages will be served, with the exception of fundraiser events such as wine or beer tastings.

4. The host of the event and the sponsoring organization are responsible for compliance with applicable laws, regulations, and University policies.
5. A University-sponsored event that is held off-campus at a restaurant, hotel, or club, where alcoholic beverages are normally served, may make special arrangements to serve alcoholic beverages. However, the persons sponsoring the event are still subject to California state law for purchasing and/or supplying alcoholic beverages to any minor. The University exercises no supervision and assumes no responsibility to control the serving and consumption of alcoholic beverages off of the University campus.
6. The University recognizes that there are many occasions for celebration at the University and that alcohol may be a part of the festivities. The University also recognizes that the classroom is not an appropriate place for the consumption of alcohol. Classroom consumption of alcohol is prohibited unless it is a part of the curriculum (such as supervised wine tasting).
7. The following SF State units also maintain alcohol and drug guidelines relevant for members of the SF State community and external partners:
 - a. Standards for Student Conduct (all students): (<https://conduct.sfsu.edu/standards>).
 - b. Student Activities & Events (Student Organizations): (<https://conduct.sfsu.edu/studorgconductprocedures>).
 - c. Regarding student organization policies, CSU EO 1006 also requires CSU campuses to provide orientation programs for student organization advisers and for student officers that outline policies, expectations, and information on alcohol use/abuse.
 - d. Residential Life: (<http://reslife.sfsu.edu/content/living-campus>).
 - i. Athletics: regarding guidelines for student athletes and alcohol consumption, see: ([https://sfstategators.com/documents/2017/6/22//Student Athlete Handbook revised 6 22 17.pdf?id=4594](https://sfstategators.com/documents/2017/6/22//Student_Athlete_Handbook_revised_6_22_17.pdf?id=4594)).
 - ii. Regarding the sale, service, and advertising of alcoholic beverages at or in conjunction with University intercollegiate athletic events and at University athletic facilities, see CSU Executive Order 1109: (<https://calstate.policystat.com/policy/6716728/latest/>).

University Non-Sponsored Activities: Rental of Facilities by Outside Organizations

The following regulations apply to all University non-sponsored activities:

1. An “Alcohol Clearance Request Form” must be completed by all non-sponsored outside groups wishing to rent University facilities: (<https://erm.sfsu.edu/content/forms>).
2. The “Alcohol Clearance Request Form” must be approved by the University Police Department and Enterprise Risk Management.
3. Outside groups renting University facilities for special events/activities must adhere to California Business and Professional Code, Sections 25658 through 25665, and University regulations.
4. Only beer and wine may be served. No permit to serve hard-alcohol will be granted.

IV. Requirements When Serving Alcohol

The following regulations apply when serving alcohol:

1. Alcohol may not be served unless non-alcoholic beverages (in addition to water) and food are also served.
2. Attendance is limited to members of the approved group and invited guests and is not open to the general public.
3. The sponsoring organization is responsible for compliance with all applicable laws, regulations, and University policies regarding the serving and consumption of beer and wine.
4. Adequate controls must be maintained to ensure that all persons served alcohol are at least twenty-one (21) years of age. For specific adequate control see guidance and assurances listed in the "Alcohol Clearance Request Form."
5. No person obviously intoxicated may be furnished, served, or given an alcoholic beverage.
6. The serving of alcohol must not exceed three (3) hours. When events last two (2) hours or more, service of alcoholic beverages must stop one-half (1/2 or .5) hour before the close of the event.
7. Consumption and service of alcohol will be in the facility designated for the event.
8. Where danger or potential danger to persons or property is imminent, the events may be cancelled by an appropriate University official and the University Police Department, at their sole discretion.
9. If there is a direct or indirect sale of alcohol, such as selling tickets for entrance or selling drink tickets or chits that may be exchanged for drinks, or other methods of charging which are determined by the number of drinks served to an individual, or any type of consideration exchange between the host organization and attendees, a temporary alcohol beverage license application must be signed by the Chief of University Police: (<https://www.abc.ca.gov/licensing/license-forms/form-abc-221-instructions/>). The application must then be taken to the Department of Alcoholic Beverage Control for a temporary alcohol beverage license.

V. Policy Regarding the Sale of Alcohol by On-Campus Establishments that have Alcohol Permits

The following regulations apply to the sale of alcohol by on-campus establishments that have alcohol permits:

1. Adequate controls must be maintained to ensure that all persons served alcohol are at least twenty-one (21) years of age.
2. No person obviously intoxicated may be furnished, served, or given an alcoholic beverage.
3. To promote the philosophy of responsible consumption, on-campus establishments that sell alcohol must abide by the advertising guidelines of CSU Executive Order 1109 (<http://www.calstate.edu/eo/EO-1109.html>) and should also avoid marketing strategies that promote over-consumption by students:
 - a) By serving beer and wine only, not "liquor look-a-likes" (drinks or cocktails made from fortified wine such as vermouth, port or sake).
 - b) By eliminating drink specials such as "2-for-1" and "super-sized" drinks (defined as larger than a pint).

VI. Illegal Drugs

The sale, manufacture, distribution, use, or possession of illegal drugs is against University policy. This policy applies equally to all administrators, faculty, staff, and students.

Possession of a valid medical marijuana card does not permit possession or use of marijuana in campus residential facilities (e.g. apartments and residence halls) or on University property. The Safe and Drug-Free Schools and Communities Act does not permit possession or use of marijuana on campus.

University Administrative Sanctions for Violation of the Illegal Drug Policy

The manufacture, use, or possession of illegal drugs by a member of the University community will normally result in either probation, suspension from, or severance of the relationship with the University. Sale or distribution thereof will normally result in severance of the relationship with the University. This policy applies within or upon the grounds, buildings, or any other facilities of the University, or at University-sponsored activities off-campus. Penalties for possession off-campus at a non-sponsored activity will be considered if the amount of possession is considered sufficient for intent to sell.

In addition to the above University administrative sanctions, all California Penal Statutory Laws will be enforced and must be complied with, or sanctions listed under the California Penal Code may also apply.

VII. Administration

The University President (or their designee) is designated to oversee the implementation of this policy and will establish periodic review of the process to assure conformity.

Resolution of Conflict

Where conflict occurs in the implementation of this policy, the President (or their designee) will determine the course of action, in consultation with the concerned host or representative and other administrative members of the University.

Compliance with the Drug-Free Schools and Communities Act

In order to comply with the Drug-Free Schools and Communities Act, SF State will provide annual notice of this executive directive by email to all students, faculty, and employees in the fall semester of each academic year. Additionally, notification of this campus policy will be provided to students in the Campus Bulletin and to all new employees and faculty in new employee orientation.