

UNIVERSITY POLICIES & PROCEDURES

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| POLICY NAME: MINNESOTA STATE UNIVERSITY, MANKATO ALCOHOL AND OTHER DRUG POLICY | TEMPORARY REVIEW NUMBER: NA |
| CLASSIFICATION: UNIVERSITY | SUPERSEDES: ALCOHOL AND OTHER DRUGS POLICY |
| AUTHOR: ALCOHOL WORK GROUP | LAST REVIEW: 1995 |
| AUTHORITY: MNSCU POLICY 5.18 | NEXT REVIEW: SEPTEMBER 2010 |
| APPLICATION: <input type="checkbox"/> Undergraduate only <input type="checkbox"/> Graduate only <input checked="" type="checkbox"/> All University | EFFECTIVE DATE: SEPTEMBER 15, 2005 |
| DISTRIBUTION (IDENTIFY AUDIENCE/PUBLICATION): UNIVERSITY POLICY WEBSITE; STUDENT HANDBOOK | CUSTODIAN OF POLICY: VICE PRESIDENT FOR ACADEMIC AFFAIRS |

Comments/Background:

Minnesota State University seeks to create a campus environment that promotes healthy, responsible living; affirms civility; supports the well-being of each of its members, and is respectful of state and federal law and institutional regulations governing behavior. Respect for campus and community standards and regulations are expected. Alcohol abuse and illicit drug use will minimize an individual's abilities to develop his/her academic or social relationships and is contrary to the educational process and goals of higher education. The following laws and Minnesota State Colleges and Universities provide guidance and authority for this policy.

Policy Statement:

Minnesota State University recognizes that students, faculty, and staff are responsible for their own conduct and for the consequences of their behavior as well. The purpose of this policy statement and subsequent information is to provide the campus community with the information needed to make responsible, healthy choices.

- Alcohol and other drug use potentially affect the safety, health, and quality of life of all students, staff and faculty and restrict the ability of Minnesota State University, Mankato (MSU) to carry out its mission. The use, consumption, and/or distribution of alcohol/drugs are prohibited on the MSU campus with limited exceptions. Specific violations of the campus policy can be found within the MSU *Statement of Student Responsibilities* (www.mnsu.edu/conduct). The possession, use, distribution, manufacture or sale of any alcoholic beverage, controlled substances or illegal drugs including, but not limited to hallucinogens, amphetamines, barbiturates, narcotics, and marijuana, is prohibited on the campus of MSU. This campus prohibition includes all on-campus facilities, grounds, and University-sanctioned events, and applies to any person on University grounds, whether he or she is a member of the University community or not. ("Exceptions" to this policy are listed herein.) Individuals must note that even though they may be of legal age to consume or possess alcohol, MSU policies prohibit the use or possession of alcohol on the campus.

The complete "Alcohol, Tobacco and Other Drug Use Information for MSU Employees" as authorized by Department of Employee Relations, is available at <http://www.mnsu.edu/humanres/forms2/HTSE27.pdf> or contact Human Resources (see Appendix A

for State Employee Standards of Conduct). All employees are responsible for reading this information and being aware of its provisions. Violators of the policy are subject to referral for University sanctions and/or criminal action. Involvement with legal authorities and criminal action may also occur for violations of city, state, or federal laws.

The Residence Hall Policy states, "Alcohol and Other Drugs: While alcohol itself is not an illegal substance, possession and/or consumption of alcohol while on campus by any person and/or being in a room where alcohol containers are present, regardless of age, are violations of University guidelines. This includes all alcohol bottles, cans, beer bong, and other containers."

The complete Residence Hall Policy can be found in the Residence Hall Student Guide at www2.mnsu.edu/reslife or by contacting the Office of Residential Life.

Exceptions

The only exceptions to the "Policy on Alcoholic Beverages and Other Drugs" are:

- On-Campus Use of 3.2 Non-Intoxication Malt Liquor. Consistent with licensing provisions of the Mankato City Code (Section 4.04); Minnesota Statute 340A.403 Subd. 3; and MnSCU Policy 1A.9, events may be held on the premises of the University which involve the sale and consumption of non-intoxicating malt liquor (3.2 beer). All such events, however, shall be subject to provisions listed in the On-Campus Use of 3.2 Non-Intoxication Malt Liquor policy;
- Authorized laboratory and classroom instruction;
- The possession or use of alcoholic beverages in an alcohol use awareness program that is under the control of the State University System, sponsored and approved by a University, and limited to persons 21 years old or older; and
- The one-time use of alcoholic beverages for a specific event or activity when authorized by the President. For more information regarding one-time exceptions, contact University Scheduling and Conference Services Office or go to www.csu.mnsu.edu.

For more complete information on the policy exceptions, contact the Office of the President.

Student Newspaper

The Minnesota State *Reporter* is an independent entity and is responsible for setting its own standards of conduct. The Reporter is housed on campus with a University affiliated supervisor and must therefore follow General Marketing Guidelines (included in Policy Implementation). The University acknowledges the right of businesses that produce, sell, and/or serve alcoholic beverages to advertise their products and services to the University community. The University endorses the promulgated codes of ethics and guidelines of businesses that adhere to responsible product promotion and advertising. Drink specials and/or free drinks should not be advertised in a campus-affiliated publication.

University-Affiliated Publications

While the University acknowledges the right of businesses that produce, sell, and/or serve alcoholic beverages to advertise their products and services to the University community, university-affiliated publications should be aware that they are representative of the institution. The University endorses the promulgated codes of ethics and guidelines of businesses that adhere to responsible product promotion and advertising. Drink specials and/or free drinks should not be advertised in campus-affiliated publications.

Procedures:

Relationship to Mission

University offices, departments and contracting agencies must give careful consideration to the University's educational mission to determine the consistency of the message being sent when involved in advertising and/or other promotional activities related to alcoholic beverages and alcohol and other drug paraphernalia. For example, promotional items such as shot glasses and beer mugs are not consistent with MSU's alcohol campus policy.

The University reserves the right to protect its educational mission and learning environment from inappropriate product promotions and irresponsible merchandising and advertising. Advertising practices that violate the standards established by the industry itself and which encourage abuse of the alcohol or other drugs as judged by University norms will meet with appropriate University action.

University Sanctions: Students

Violations of campus policy are adjudicated through the Office of the Vice-President for Student Affairs or the Department of Residential Life. Potential consequences for violations of law or policy include, but are not limited to: (1) arrest and conviction; (2) University disciplinary warning, probation, suspension, or expulsion; (3) confiscation; (4) restitution; (5) community service; (6) completion of an alcohol and drug education class and/or a chemical use screening; (7) loss of parking privileges on campus for alcohol impaired driving; (8) room relocation or termination of a student's contract with restriction from the residence halls. MSU will impose sanctions consistent with federal, state and local laws. For more information, refer to *Residence Hall Student Guide* (www.mnsu.edu/reslife) and the *Basic Stuff Student Handbook* (<http://www.mnsu.edu/supersite/administration/basic-stuff>).

Student groups violating the Alcohol and Other Drugs Policy are subject to review and sanctioning in accordance with Minnesota State Student Association (MSSA) procedures and the Recognized Student Organization (RSO) policy.

University Sanctions: Employees

Employees who violate the "Policy on Alcoholic Beverages and Other Drugs" are subject to disciplinary action, up to and including expulsion or termination of employment. Employees with alcohol or other drug use problems may be referred to the Employee Assistance Program or elsewhere for assessment and/or counseling. All University employees must adhere to these policies.

Applications/Sanctions

This policy shall be applied by the University employee(s), student(s), and/or student leadership immediately responsible for the event or activity. Failure to abide by the policy shall be reviewed and acted upon by those responsible in supervisory and advisory capacities. Specific local and state laws are listed in Appendix B.

Alcoholic Beverage Marketing, Advertising, Promotion & Merchandising

1. Firms, organizations or individuals responsible for alcoholic beverage marketing are encouraged to support campus alcohol education programs that promote informed and responsible decisions about use or non-use. They are encouraged to advertise food discounts, free beverages, and other promotions to take the focus off of beer and liquor promotions.

2. Alcoholic beverage marketing programs must not specifically target Minnesota State University, Mankato students under the legal drinking age.
3. Events held on campus must conform to the student conduct code and university policy and guidelines and must avoid demeaning sexual or discriminatory portrayal of individuals.
4. Promotion and advertising of alcoholic beverages must not encourage any form of alcohol abuse nor shall it place emphasis on quantity and frequency of use. Drink specials that encourage excessive consumption such as “2 for 1 drinks, unlimited cup, or \$.25 drinks” should not be advertised on campus.
5. Alcoholic beverages must not be provided as free awards to individual students or campus organizations. Gift certificates providing choices of food or other beverage discounts are permitted.
6. No sampling of alcoholic beverage as part of the campus marketing programs is permitted.
7. Alcoholic beverage promotional activities may not be associated with otherwise existing campus events or programs without the prior knowledge and consent of authorized institutional officials.
8. Display or availability of alcoholic beverage promotional materials must be determined in consultation with authorized institutional officials.
9. Alcoholic beverage advertising on campus or in institutional media, including that which promotes events as well as product advertising, must not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual or academic success.
10. Advertising and other promotional campus activities must not associate alcoholic beverage consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles. For MSU faculty, staff, or students using a state-issued vehicle, as stated on the Vehicle Use Request Form CAO-38:
 - Avoid Side Trips: Don’t use the state vehicle to cruise around town and absolutely do not use it to frequent bars, liquor stores or gambling casinos. No alcoholic beverages or containers are allowed within our state vehicles.
11. On-campus advertising for local off-campus promotional activities, that include alcoholic beverages and are primarily directed to students, will be developed after obtaining the consent of appropriate institutional officials. Individuals pictured on advertising including alcoholic beverages must be of legal drinking age.

The stated policy pertains to but is not limited to the following:

- Publications/media/advertising;
- Distribution of literature, posters, and other printed materials;
- Event registration, sponsorships;
- Raffles and sales; and
- University offices, departments and contracting agents.

Guidelines for Sponsors of Social Events Which Involve Alcoholic Beverages

Minnesota State University offers the following guidelines to students, student groups, faculty/staff and MSU departments who host or participate in the social events which involve alcoholic beverages. Minnesota State University does not encourage the use of, nor condone the misuse of, alcoholic beverages or other drugs. University community members are responsible for their own behavior. These guidelines are provided in order to promote a responsible attitude toward the use of beverage alcohol and to alert individuals to commonly accepted hosting principles that, if followed, will reduce individual and sponsor liability.

1. Individual(s) or organization(s) sponsoring an event should ensure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who appear intoxicated.
2. At social functions where alcoholic beverages are provided by the sponsoring organization(s), direct access should be limited to a person(s) designated as the server(s). Free access to alcoholic beverages is prohibited.
3. Non-alcoholic beverages should be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
4. A reasonable quantity of food should be available when alcohol is present.
5. The drinking of alcoholic beverages should not be the primary activity at the event.
6. Guests should not be encourage or "pushed" to drink.
7. No event should include any form of "drinking contest or game" in its activities or promotion.
8. The alcohol-serving bar should be closed an hour before the event ends. Sponsors of the events should continue to serve food and non-alcoholic beverages, however.
9. Intoxicated guests should not be allowed to drive home. Sponsors of the event are encouraged to make appropriate arrangements to provide for their safety, including the notification of civil authorities, if necessary.

Prevention and responsible behavior is the recommended approach. Sponsors are encouraged to pay attention to what is happening to them and their guests during the event, and address or intervene in situations that might endanger persons.

Tips for Responsible (Lower-Risk) Drinking

Minnesota State University offers the following "tips" to students of legal drinking age, faculty and staff who choose to consume alcoholic beverages. Minnesota State University does not encourage the use of, nor condone the misuse of, alcoholic beverages or other drugs. University students, faculty and staff are responsible for their own behavior. These "tips" are provided in order to promote a responsible attitude toward the use of alcoholic beverages, and to inform the university community of commonly accepted principles that, if followed, will reduce individual risk.

- Determine in advance how much you will drink and stick to it.
- Don't gulp your drinks; sip them. A good 'rule of thumb' would be to only consume 1 oz. of alcohol (1 12 oz. beer, 4 oz. glass of wine, or a drink with 1 shot of alcohol in it) every 1 - 1 ½ hours.
- Eat while drinking, foods help absorb the alcohol.

- Avoid drinking games. Find other things to do while "partying." Don't make drinking the focus.
- Know that you have a choice and can say "no" to alcoholic beverages.
- Arrive and leave parties with the same friends and help each other watch limits.
- Space your drinks; substitute every other drink with water or other non-alcoholic choices.
- Plan activities that keep you busy without alcohol.
- Be aware of your mood, drinking will make a bad mood worse.
- Be aware that alcohol affects judgments, decisions, and the ability to protect yourself.
- Choose a designated driver before you go out.
- Avoid drinking out of common containers such as punch bowls, tubs, or garbage cans. Always know what you are drinking and keep it with you at all times.
- Talk with your friends about alcohol and how you feel about drinking; you may be surprised that others feel the same.

Minnesota State University, Mankato Campus and Community Resources

The University encourages any member of our community who may be experiencing difficulties with alcohol or other drugs, or who is concerned about another person, to seek information, support and/or counseling through the following Minnesota State and Mankato community resources:

Campus Resources

- **Student Health Services/Health Education Office**
100 Carkoski Commons, or call (507) 389-5689 for information and prevention education.
- **Counseling Center**
245 Centennial Student Union, or call (507) 389-1455 to visit with a licensed counselor for counseling, prevention, and screening.
- **Security Office**
222 Wiecking Center, or call (507) 389-2111 for campus violence or emergency issues.
- **Student Health Services Medical Clinic**
21 Carkoski Commons, or call (507) 389-6276 to visit with a medical professional.
- **Human Resources, Employee Assistance Program**
324 Wigley Administration Center, or call (507) 389-2015 to obtain a referral for assistance

Emergencies

- **Call 911 or 9-911 from a campus phone**
- **Immanuel St. Joseph-Mayo Health System Emergency Room**
1025 Marsh Street, (507) 625-4031
- **Crisis Line** 800-477-0466
- **Sexual Violence Resource Center** crisis line (507) 625-9034

Community Resources

- **Alcoholics Anonymous and Al-Anon Family Group** (507) 387-2772
Obtain a list from the Office of Health Education (507) 389-5689

- Daily meetings listed in Mankato Free Press
- **Addiction Recovery Technologies** Mankato Place – Suite 2116, 12 Civic Center Plaza, (507) 345-4670
 - **Addiction and Assessment Center** 179 Kingsway Drive, North Mankato, (507) 345-4143
 - **Blue Earth County Human Services** 410 S. 5th Street, (507) 389-8227
 - **Immanuel St. Joseph-Mayo Health System**
Family Recovery Chemical Dependency Treatment Program 1025 Marsh St., (507) 345-2650
 - **Nicollet County Human Services** 108 S. Minnesota Ave, St. Peter, and (507) 931-6800
 - **QUAN Enterprises Incorporated** locations at Mankato and St. Peter, (507) 934-4595

APPENDIX A

State Employee Standards of Conduct

Employees of Minnesota State University, Mankato are expected to perform their jobs efficiently, safely, and in a professional, businesslike manner. Accordingly, no employee shall report to work under the influence of alcohol, marijuana, controlled substances or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making or safety.

No employee shall operate, use or drive any equipment, machinery, or vehicle of the state while under the influence of alcohol, marijuana, controlled substances or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use or drive state equipment.

No employee shall unlawfully manufacture, distribute, dispense, possess, transfer or use a controlled substance in the workplace or wherever the University's work is being performed. During work hours or while on state premises, no employee shall use, sell, possess or transfer alcoholic beverages. Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

Engaging in off-duty purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on the employee's ability to perform his/her work for the University. In such circumstances, the employee is subject to discipline.

When an employee is taking medically authorized drugs or other substances which may alter job performance, he/she has a duty to notify the appropriate supervisor of that information.

The University shall notify the appropriate law enforcement agency when there is reasonable suspicion to believe an employee may have illegal drugs in his/her possession at work on or on University premises. Where appropriate, the University shall also notify licensing boards.

Employees are discouraged from drinking alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the University. Employees are advised that in any situation subsequent to the intake of alcohol, where the employee must continue conducting the University's business, any employee whose condition or behavior adversely affects his/her performance shall be subject to discipline, up to and including discharge.

Employees engaged in the performance of work on federal grants or contracts are required to notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Appendix B

Local Laws and Ordinances-City of Mankato

Individuals attending Minnesota State University, Mankato are expected to obey city laws and ordinances. The following relevant codes state:

4.045 #1 It is unlawful for a person (except a person under the age of eighteen who is accompanied by a parent or guardian 21 years or older) to enter or attempt to enter premises licensed for on-sale of intoxicating liquor or 3.2 percent malt liquor without having on their person a valid, unaltered driver's license or picture identification card issued by a state or U.S. government identifying such person or a valid passport and their date of birth. A picture ID is required for anyone purchasing or attempting to purchase alcohol in a licensed off-sale premise.

4.045 #2 It is unlawful for a person under the age of 21 to represent themselves as being 21 for purposes of gaining admission to premises licensed for the sale of intoxicating liquor or 3.2 percent malt liquor.

4.045 #3 You must have a license to sell liquor. Asking for donations, selling glasses or charging admission to a party is still selling without a license (misdemeanor or gross misdemeanor).

4.045 #4 It is unlawful to possess a container of alcoholic beverage on a city street or parking lot. The only exception is a City Park parking lot unless prohibition is posted.

For specific penalties for violations, contact the Mankato Department of Public Safety. For Mankato Liquor and Beer Licensing and Regulations, go to:
<http://ci.mankato.mn.us/cityh/code/codes4.html>

Minnesota State Statutes

Listed below are some of the provisions of state law pertaining to alcoholic beverages. This is not an exhaustive or complete list of legal responsibilities. Other statutes, regulations, and ordinances may apply. In addition, common law concepts of negligence and liability may also apply.

340A.101 Definitions. Subd. 2. Alcohol Beverages. "Alcoholic beverage" is any beverage containing more than one-half percent alcohol by volume.

340A.502 Serving Alcohol to Intoxicated Persons. No person may sell, give, furnish, or in any way procure for another alcoholic beverage for the use of an obviously intoxicated person.

340A.503 Persons Under 21. Illegal Acts.

Subd. 1. It is unlawful under Minnesota law for any person under the age of 21 years to consume, purchase, or possess any alcoholic beverage unless that person is in his/her parents'/guardians' home and with their permission.

Subd. 2. Selling, Furnishing, or Giving Alcohol to Minors. It is unlawful to sell, barter, furnish or give alcoholic beverages to persons under 21 years of age.

Subd. 3. Possession. It is unlawful for a person under the age of 21 to possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian.

Subd. 4. Entering Licensed Establishment: It is unlawful for a minor to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served to him or her, alcoholic beverages. (340.731)

Subd. 5. Misrepresentation of Age: It is unlawful for a person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages. Furthermore, under MN Statute 171.171, a minor's driver's license or permit shall be suspended if he/she uses a drivers license or permit to purchase or attempt to purchase alcoholic beverages. It is also unlawful for any person to misrepresent the age of another person for the purpose of inducing any licensed establishment to sell, serve, or deliver any alcoholic beverage to a minor.

340A.507 Subd. 4. Campus Contests Restricted. No manufacturer, wholesaler, or retailer of alcoholic beverages may conduct, sponsor or contribute financially to events or activities held on campus and involve the sale or consumption of alcoholic beverages.

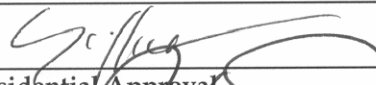

Minnesota State Colleges and Universities Policies

To view these policies on-line go to: www.mnscu.edu/board/policy/518.html

5.18 Alcoholic Beverages or Controlled Substances on Campus

5.18.1 Alcohol Use and Controlled Substances on Campus

5.18.2 Checklist

| Submitted to: | Date Submitted: | Date Reviewed: |
|---|-----------------|---------------------------------|
| ASF Meet and Confer | March 25, 2005 | April 25, 2005 |
| Classified Meet and Confer | March 25, 2005 | Sept. 1, 2005 |
| Faculty Association Meet and Confer | March 25, 2005 | April 14, 2005 |
| MSSA Meet and Confer | March 25, 2005 | April 6, 2005 (not recommended) |
| UCAP Sub-Meet and Confer | March 25, 2005 | April 19, 2005 |
| Graduate Sub-Meet and Confer | March 25, 2005 | No response |
| MAPE | March 25, 2005 | September 11, 2005 |
| MGEC | March 25, 2005 | No response |
| MMA | March 25, 2005 | April 1, 2005 |
| MNA | March 25, 2005 | April 19, 2005 |
| Student Affairs Council | March 25, 2005 | April 28, 2005 |
| Academic Affairs Council | March 25, 2005 | March 30, 2005 |
| <input type="checkbox"/> Senior Vice President Approval | | |
| Signature | | Date of Approval |
|  | | 9-12-05 |
| <input type="checkbox"/> Presidential Approval | | |
| Signature | | Date of Approval |
|  | | 9/12/05 |

MSSA: Whereas: The new alcohol policy has additions to the previous policy that are either unnecessary or belong in other policies
Whereas: It includes things such as "Drinking Tips" that just don't make sense to show up in policy format
Be it resolved: That MSSA strongly feels that the current alcohol policy is more than adequate and the proposed policy is not recommended by MSSA