



## **XAVIER UNIVERSITY**

### **Alcohol and Other Drugs Policy**

**Effective:** July 1, 2022

**Last Updated:** January 2014

**Responsible University Office:** Division of Student Affairs

**Responsible Executive:** Associate Provost for Student Affairs

**Scope: All Employees and Students**

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#### **A. REASON FOR POLICY**

Xavier University's Alcohol and Other Drug Policy is a component of the University's compliance with the *DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989*. This legislation requires colleges and universities to certify that they attempt to prevent the unlawful possession, use, and/or distribution of drugs and alcohol by students and employees. For more information on Xavier's efforts to create a safe environment conducive to intellectual and personal development and to reduce the occurrence of alcohol and other drug related incidents, please see the following resources:

1. [www.xavier.edu/dean-of-students](http://www.xavier.edu/dean-of-students)
2. [www.xavier.edu/handbook](http://www.xavier.edu/handbook)
3. [www.xavier.edu/policy](http://www.xavier.edu/policy)

#### **B. POLICY**

The purpose of the University's Alcohol and Other Drugs Policy is to promote the legal and responsible use of alcohol and other drugs; to ensure compliance with state and federal laws and regulations which pertain to the University; to preserve a social environment conducive to learning and healthy living; and to promote the education of students and employees regarding alcohol and other drugs.

Students and employees who would like to receive additional information or confidential assistance may contact Health Services, Counseling Services, Psychological Services, the Division of Student Affairs, or the Employee Assistance Program.

- I. Federal, State, and Local Laws:** The University upholds the laws instituted by the federal government, the State of Ohio, and the cities of Norwood and Cincinnati regarding alcohol and other drugs, including illicit use of drugs.

The following is illegal – 1) for anyone under the age of 21 to order, pay for, share the cost of, attempt to purchase, possess, or consume beer, wine, or intoxicating liquor; 2) to furnish false information as to name, age, or other identification; 3) to provide, furnish, host, share or sell alcohol to any person under the age of 21; and 4) to possess an open container of intoxicating beverage in a public place.

Federal law prohibits any use of Schedule I and Schedule II drugs, which includes marijuana for any purpose. This federal prohibition is effective regardless of the Ohio statutes surrounding medicinal marijuana use in Ohio. As such, the procedures outlined below promote responsible alcohol use, but, consistent with federal law, strictly prohibit any form of illicit drug use.

- II. University Policies:** Xavier University prohibits the unlawful use, possession, distribution, or sale of illegal drugs or alcohol, or the use of nicotine anywhere on University property (including vaping). This includes illicit use of drugs, even if those drugs are legally prescribed to/obtained by a person. Students or employees in violation of state, federal, or other local regulations with respect to illegal drugs or alcohol possession, distribution, use, or sale may be subject to University conduct procedures and/or criminal prosecution. Student violations of these policies will be handled in accordance with the Student Handbook. Employee violations of these policies are subject to the appropriate employee policies (See Resources Section below).

**III. Alcohol Use on University Property – Non-University Event:**

- a. **University-Owned Student Housing:** Students living in University-owned housing must comply with the rules and regulations set forth for alcohol use in student housing, as found in [section 2.3.1 of the Student Handbook](#).
- b. **Other University-Owned Property:**
- i. Xavier University complies with the local, city, and state ordinances prohibiting the possession of an open container of beer or intoxicating beverage in a public area. This includes parking lots, sidewalks, recreational facilities, classrooms, common areas, and grounds.
  - ii. Open containers, kegs, and large amounts of alcohol are not permitted in vehicles parked on University-owned property.
  - iii. Tailgating (or any version of it) is not permissible in any University parking lot or grounds.
- c. **Non-University Events:** Events or activities sponsored by a non-university entity using University facilities or the University name. Such events might include space rentals for weddings, conferences, productions, and meetings.
- i. When a contractual agreement has been negotiated for the use of University space by a non- University entity, the authority to serve alcohol lies with the university representative responsible for

negotiating the contract with the outside entity.

- ii. Non-University Events must comply with the parameters outlined in the General Event Guidelines (see Section VI, Section D, Procedures, herein).

**IV. Alcohol Use Off-Campus – Non-University Event:**

- a. Students living off-campus in non-University-owned housing are expected to abide by the laws of the State of Ohio and the Xavier University Standards for Off-Campus Living and the Code of Student Conduct found in the Student Handbook.
- b. Xavier University reserves the right to investigate and to subsequently take university action for off-campus behavior which violates alcohol and other drug laws and or policies. All such incidents may be subject to student conduct proceedings in addition to any external criminal proceedings.
- c. Employees should limit times in which they consume alcoholic beverages with students, and should only do so at the discretion of the division head to which the employee reports.
- d. Student Travel:
  - i. Student Domestic Travel:
    - 1. The consumption of alcohol is not permitted when undergraduate students travel as part of a University event or organization, regardless of the students' legal drinking age.
    - 2. Employees and graduate students traveling with undergraduate students should also not consume alcohol with or provide alcohol to the undergraduate students.
  - ii. Student International Travel:
    - 1. Students participating in a study abroad or international experience through the university shall comply with the alcohol and drug policy(ies) of their education abroad program guidelines, host university, and/or host country.

**V. Alcohol at University Events – On or Off-Campus:**

Alcohol at any event sponsored by Xavier University, both on and off-campus, either with University dollars or through the use of the Xavier University name, requires authorization by the appropriate University official as outlined below, and must comply with event guidelines.

- a. **University Events:** events or activities sponsored by Xavier non-student organization, divisions, departments, and offices.
  - i. The decision to serve alcohol at a University Event is at the discretion of the division head to which the organizing body reports.
  - ii. University Events must comply with the parameters outlined in the General Event Guidelines section of this policy.
  - iii. If the majority of participants are currently enrolled Xavier students, the event is considered a student event and must comply with the parameters for Student Events as outlined in this policy.

- b. **Student Events:** events or activities sponsored by student organizations or University offices or departments where the primary focus is programming for and with students.
  - i. The decision to serve alcohol will be at the discretion of the Associate Provost for Student Affairs or designee.
  - ii. Event sponsors are responsible for submitting an Alcohol Event Request Form at least two weeks prior to the event.
  - iii. Student events where alcohol is sold, served, or consumed must comply with the General Guidelines for Alcohol (see Section VI), General Event Guidelines (see part D), and Student Event Guidelines (see part D). These regulations apply whether the venue is on-campus or off-campus. Event sponsors are responsible for submitting an Alcohol Event Request Form at least two weeks prior to their event and must obtain approval as determined by the Associate Provost for Student Affairs or designee. With good cause showing, the Associate Provost for Student Affairs or designee may grant an exception or waiver to a specific guideline.
  - iv. Student events or activities taking place off-campus are considered student functions and are covered by the parameters in the Student Event Regulations listed above and must be approved by the Associate Provost for Student Affairs or designee.
  - v. Intoxicating liquors are not allowed at student events (i.e. hard alcohol is prohibited at student events).
  - vi. Any student or organization failing to comply with any part of the event guidelines will be subject to conduct procedures and associated sanctions.

**VI. Student Policy on Amnesty:** Xavier's Policy on Amnesty is designed to remove a student's apprehension of reporting a policy violation(s) from his or her decision to seek emergency assistance for oneself or a fellow student during an alcohol, drug or other medical emergency. The Amnesty Policy encourages a bystander or an impaired student to call for immediate medical assistance by reducing the sanctions typically applied under Xavier's Alcohol and Other Drug Policy. In such cases, however, Xavier has discretion to impose educational sanctions as a required activity that is intended to engage the student in a positive learning experience related to the student's behavior.

**VII. Interventions and Sanctions, Health Risks, and University Programs:** Criminal investigations resulting from alcohol or drug use will be handled by the appropriate law enforcement agency. A non-exhaustive list of criminal codes, applicable university policies, and their respective sanctions can be found at the university's Drug Free Schools and Communities Act webpage (See Resources below). In addition, the DFSCA webpage contains information related to health risks, and university AOD programming and initiatives.

**VIII. Reporting Concerns:** Individuals who are concerned about an out-of-control party/event or person in need of medical help should contact Xavier University Police

at 513-745-1000. Reports of violations of this policy can be made to XUPD or to the Dean of Students Office.

### **C. DEFINITIONS**

**Corralled area:** An area roped or taped off separately, or separate room within an event in which only those 21 or older are permitted to enter.

**Drinking games:** Games such as beer pong, flip cup, caps, kings, jenga, quarters, etc. where binge drinking is encouraged.

**Intoxicating Liquors: for the purpose of this policy,** intoxicating liquors includes all liquors containing more than twenty-one percent of alcohol by volume. For the purpose of this policy, this includes all alcoholic beverages except beer, wine, seltzer, and cider.

**Tailgating:** A social event typically held in parking lots, but includes any University space, involving alcohol consumption and/or grilling/serving food. Any form of tailgating may include a “pre-game party” or other such event designed to promote excessive consumption of alcohol.

### **D. PROCEDURES**

**General Guidelines for Alcohol Use:** These guidelines apply to all alcohol consumption, service, or sales affiliated with Xavier regardless of whether the venue is on or off campus.

- I. When required by law and university liquor license(s), all on-campus alcohol service must be provided by Campus Dining.
- II. Adherence to the law - The event organizer is responsible for using reasonable means to uphold the law and all university policies. In the case of policy violations, event organizers (with support from security personnel, as applicable) are required to take action to uphold university policy. Such action will include, but is not limited to: confiscating the alcoholic beverage, having the violator leave the function, and/or referring the violator for University conduct procedures.
- III. Responsible Alcohol Consumption - The event organizer shall implement reasonable measures to prevent attendees from drinking irresponsibly. These measures include refusing further alcoholic beverage service to anyone who is, or appears to be intoxicated, or whose inappropriate behaviors are deemed related to alcohol consumption.
- IV. Any organizing unit which knowingly ignores this policy will forfeit the right to distribute alcohol at future events.
- V. Drinking games or contests are strictly prohibited.

**General Guidelines for Events Serving Alcohol:** All events serving alcohol must comply with the guidelines listed below in addition to the General Guidelines for Alcohol Use (above).

- I. **Alcohol Purchase**
  - a. Alcoholic beverages must be purchased in accordance with local, state, and federal law.

- b. Alcohol cannot be purchased from a retail organization and sold to the public. It also cannot be donated for use at events.
- c. Event organizers and/or event attendees are prohibited from furnishing their own alcohol.

## **II. Alcohol Sales**

- a. Trained servers must be used for the distribution and sale of alcohol.
- b. Alcohol servers must request proof of age with legal ID.
- c. Alcohol servers are prohibited from drinking during the event.
- d. Intoxicating liquors may not be sold or served at student events.
- e. Events where students are present must include reasonable methods for enforcing the legal drinking laws of Ohio. These may include any or a combination of the following: wrist- bands, hand stamps, corralling, limitation of guests to those over the legal drinking age of 21, drink limits, and strict checking of identification. Exceptions exist for campus food service locations and Athletics related concessions. In those instances, identification may be required at purchase points only.
- f. Drink specials and/or alcohol giveaways are prohibited.
- g. Serving size should not exceed 12 oz for beer/seltzer and 6oz for wine unless deemed appropriate by the division head to which the event sponsor reports.
- h. A maximum of two servings of alcoholic beverages may be served to a person at a time.
- i. When a fee is charged, there will be a minimum charge of \$4.00 per serving.
- j. Standard “21” warning signs must be posted behind all serving areas.
- k. Alcohol may not be removed from the event or corralled area (where applicable).
- l. Alcohol may not be brought into the event or corralled area (where applicable). Event organizers and security personnel are expected to restrict and confiscate contraband alcohol/containers from entering into the event. Those found with personal alcoholic beverages or containers in their possession will be asked to dispose of the alcohol and leave the event. The containers will be confiscated and the individual may be subject to conduct proceedings in accordance with their University classification.
- m. Alcohol service may begin only after the function has begun and must stop no later than one-half hour before the scheduled end of the function. Last call will take place 15 minutes prior to when alcohol service ends.
- n. Open kegs must be emptied and the contents discarded at the end of the event. The contents cannot be distributed or sold to an organization/individual(s) for personal use. Exceptions to this exist for campus food service locations and Athletics related concessions when a keg may be re-used.

## **III. Alcohol Marketing**

- a. Event promotion must not encourage any form of alcohol abuse.
- b. No sampling of alcohol as part of campus marketing programs will be permitted.
- c. Co-branding of promotional items with alcohol related companies/marketers (ie: Bars, distributors, etc.) is not allowed. All branding using Xavier’s logo in any form must be approved in accordance with our brand guidelines.
- d. Advertising that is under the auspices of Xavier University must conform to

the following rules:

- i. Advertising of intoxicating liquor is prohibited.
- ii. No alcoholic beverage containers or related paraphernalia (ie: shot glass, wine glass, beer stein, bottle opener, wine opener) may be given as favors, souvenirs, or prizes at student events or activities. Third party prize donations and give-aways should not promote alcohol.
- iii. The word “beer” or “wine” may be placed on promotions when it will be offered. The typeface may not be larger or different than that used for words such as “soda” or “food” and the alcoholic beverage may not be the first offering listed. Promotional materials must also indicate that alternative beverages and food will be offered.
- iv. The words “tailgating” “pre-gaming” “open bar” (or its various forms) may not be used.

**Student Event Guidelines:** Student events must comply with the student event guidelines listed below as well as the general event guidelines listed above. With good cause showing, the Associate Provost for Student Affairs or designee may grant an exception or waiver to a specific guideline.

**I. Purpose of the Event**

- a. The consumption of alcoholic beverages may not be the focal point of any social gathering; the event must have other primary entertainment or educational functions.

**II. Event attendees**

- a. The majority of the anticipated attendees must be over the age of 21.
- b. Event attendees who appear visibly intoxicated may be ejected or denied entrance and may be subject to University conduct procedures.

**III. Advisor responsibilities**

- a. The organization’s designated advisor must be present for the duration of the event.

**IV. Security**

- a. Security is required. See the *Event Security Planning Guide* for details.
- b. The sponsoring organization is responsible for arranging appropriate security.
- c. The sponsoring organization assumes the costs associated with event security.

**V. Event timing**

- a. Events must end by 1:00am. Last call must be no later than 12:30 a.m. (or one-half hour before the scheduled end of the function).
- b. The duration of alcohol service will generally not exceed 4 hours.

**VI. Alcohol Purchase and Sales**

- a. Alcoholic beverages must be served in a transparent or translucent non-breakable cup.
- b. Maximum amount of alcoholic beverages one student will be served is the equivalent of one drink per hour of the event. Open bars will not be allowed at student events.
- c. All alcoholic beverages must be purchased by attendees with the exception of wine tasting events that have an educational focus.
- d. It is the responsibility of the event organizers to inform off-campus

establishments of University policies regarding the service of alcohol.

**VII. Event Transportation**

- a. University provided transportation is required for off campus events where alcohol will be consumed. Event attendees are required to use the University provided transportation.
- b. When University dollars are being used to fund transportation to an event where alcohol will be consumed, a University representative or authorized security must be present at bus loading prior to the event and at bus loading at the end of the event to return to campus.
- c. Advisors and/or security personnel must check guests for alcohol prior to departure. Any alcohol will be confiscated and the individual will be subject to student conduct proceedings.

**VIII. Event Advertisement**

- a. Student events must comply with the Alcohol Marketing guidelines included in this policy.
- b. Student Event advertising must include a message about the responsible use of alcohol. Examples include “You must be 21 to consume alcoholic beverages,” “Because You’re Part of a Community That Cares, Keep Alcohol Use Safe and Responsible,” “Don’t Drink and Drive.”

**IX. Food and Non-Alcoholic Beverages**

- a. Non-alcoholic beverages must be available free of charge.
- b. Some variety of food must be available free of charge to limit the effects of over-consumption.

**E. EXHIBITS (if applicable)**

None

**F. HISTORY**

This policy replaces the Alcohol and Other Drug policy created in 2014. The policy is reviewed on a continuing basis in order to operate in an efficient manner and to comply with the applicable local, state, and federal laws and regulations.

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**Other applicable policies and/or resources:**

[Student Handbook](#)

[Employee Conduct Policy](#)

[Drug Free Workplace Policy](#)

[Drug Free Schools and Community Act webpage](#)

[Staff Handbook](#)

[Faculty Handbook](#)

[Nicotine Free Campus Policy](#)