

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Alcohol Use

**Regulation and Procedure
Number: URP: 01.250**

**Policy Owner: Finance and Administration and Student
Life**

POLICY STATEMENT

In the summer of 1985, the Texas legislature passed Senate Bill 21 that changed the legal drinking age from 19 to 21 effective September 1, 1986. Specifically, the Texas law prohibits the purchase, consumption, and/or possession of alcoholic beverages by anyone under the age of 21. In addition to Texas law, Texas Woman's University must comply with the federal Drug-Free Schools and Communities Act Amendments of 1989.

It is the intent of the University to establish practices and procedures which discourage irresponsible and unlawful uses of alcoholic beverages and ensure compliance with local, state, and federal laws. While the decision to use or not to use alcoholic beverages is a matter of individual choice among persons of lawful age under state statutes, the University will attempt to encourage an environment where individual choice is coupled with responsible behavior and respect for the rights of others. This will be accomplished by supporting the responsible and legal use of alcoholic beverages and by educating the students about the effects of misuse and abuse of alcohol.

In regard to the use of alcoholic beverages, the University community should be aware that:

Residence hall staff members must, if they discover under-age drinking, take immediate steps to stop the activity, including presiding over the cessation of drinking and the disposal of the alcoholic beverages.

Student organizations, their officers, and advisors are liable if under-age students obtain alcoholic beverages at an organization sponsored event regardless of where the event is held.

Provision and/or distribution of or failure to control access to alcoholic beverages to under-age students by those of legal drinking age is a violation of University regulations and may be a violation of local and state laws.

Alcohol may not be served at any University academic or class event.

APPLICABILITY

This policy is applicable to TWU Students, Faculty, Staff, and Guests.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. Alcohol on Campus Guidelines

A. General University policy and procedures to be followed by all individuals and groups

1. Use or possession of alcoholic beverages at Texas Woman's University by any individual under the age of 21 is prohibited. Failure to comply with this regulation violates state law and the policy governing student conduct and will subject the individual to disciplinary action.
2. Texas Woman's University reserves the right to designate locations, times, and conditions under which alcoholic beverages may be served and under which persons of legal drinking age may consume or possess beer, wine, or distilled spirits in or on any property under the control or jurisdiction of the University.
3. Persons of lawful age under Texas statutes may be permitted to possess and/or consume alcoholic beverages in the privacy of their rooms/apartments in residence halls of the University.
4. Alcoholic beverages intended for consumption on any University property, except for private residence hall rooms, must be purchased from the Food Services Contractor. Exceptions to this policy must be authorized by the University Large Event Committee.
5. Groups, individuals, departments, or organizations desiring to serve or consume any type of alcoholic beverage on campus must obtain permission in advance by means of the Alcoholic Beverage Use Request ("ABUR") Form.
 - a. Forms may be obtained from the Office of Student Life, Student Union 206 or the Student Union Office, SC 209 (Denton Campus); the Student Life Coordinator (Dallas Parkland Center); and the Student Life Coordinator, front desk of the North Residence Hall (Houston campus).

- b. In order to provide time for processing, ABUR forms must be completed and filed with the appropriate office(s) at least 15 working days in advance of the proposed function where alcoholic beverages will be served.
- 6. Only the following exceptions will be made to the required filing of an Alcoholic Beverage Use Request Form:
 - a. Private use in a residence hall room and/or apartment as indicated under Section I.A.3.
 - b. Golf Course Clubhouse - beer and wine may be sold for consumption by persons of lawful age (under Texas statutes) on the premises in the sales area as designated in the appropriate license during hours in accordance with Denton ordinances and state laws.
 - c. Private homes (owned by the University or on University property) - this includes the Chancellor and President's home and other private residences rented to individuals by the University.
- 7. Alcoholic Beverage Use Request (ABUR) Forms will not be approved for areas of the campus which are designated as non-public or as instructional areas.
 - a. For purposes of this policy these areas include, but are not restricted to: offices; public child care facilities; libraries; research areas; laboratories; music practice rooms; laundries; warehouses; stockrooms; shops; general service areas; mechanical rooms; the power plant; rest rooms; studios; computer rooms; study rooms; hallways; elevators; balconies; and classrooms.
 - b. Approval will be contingent upon evidence of appropriate methods of complying with state statutes regarding the serving of alcoholic beverages to persons not of lawful drinking age and evidence of appropriate security measures.
 - c. Request forms must have the approval of the appropriate facilities coordinator, the Associate Vice President for Student Life (or Dallas and Houston Campus Managers), and the Department of Public Safety. The Vice President for Student Life and the Department of Public Safety will be notified each time a request for use of alcoholic beverages on campus is approved.

- d. A copy of the approved Alcoholic Beverage Use Request (ABUR) Form must be available at any event where alcoholic beverages will be present as proof that permission was obtained.
- 8. On-campus possession of open containers and consumption of beer, wine, and/or distilled spirits by individuals are prohibited in all public areas of University-owned or controlled facilities and grounds (excluding the golf course) except for those specifically designated by this policy or those specifically approved on a per-event basis via the Alcoholic Beverage Use Request Form.
- 9. With the exception of the Golf Course Clubhouse, all sales of alcoholic beverages on the Denton campus will be coordinated through the Food Services Contractor.
- 10. General Guidelines
 - a. Public university funds, including student services fees, Student Union fees, and residence hall fees, may not be used to purchase alcoholic beverages on or off campus.
 - b. Hosting individuals and/or organizations, as well as individuals in attendance, are responsible for the conduct of those attending the event, ensuring that any consumption of alcoholic beverages occurs in a lawful and responsible manner and that people under the legal drinking age do not consume alcoholic beverages.
 - c. All individuals attending an activity where alcoholic beverages are served, consumed, or are present must maintain on their persons appropriate proof of age. Participants must present either a Texas driver's license or a photo I.D. card issued by the Texas Department of Public Safety.
 - d. Possession or use of a false identification will result in appropriate disciplinary and/or criminal action.
 - e. Appropriate disciplinary and/or criminal action will be taken in cases where persons of legal age are found providing alcoholic beverages to persons under the age of 21.
 - f. Texas Woman's University registered student organizations may not serve, sell, or consume alcoholic beverages at any organization meeting or function, on or off campus.
- 11. Advertising of University events where alcoholic beverages will be consumed must be consistent with the educational philosophy

of Texas Woman's University, the TWU URP 01.200: Speech, Expression, and Assembly, and with the following general guidelines:

- a. Advertisement for any University event where alcoholic beverages are being served must note the availability of nonalcoholic beverages and food as prominently as the alcoholic beverages.
- b. The messages conveyed in the promotion of any event must not encourage any form of misuse of alcoholic beverages.
- c. Publicity must not refer to the amount/quantity of alcohol, e.g., two-keg party, etc.
- d. Promotion must not convey that consumption of alcoholic beverages is the purpose of or reason for the event.
- e. Advertisements for events must not portray drinking as a solution to personal or academic problems of students nor as necessary to social, sexual, or academic success.
- f. Alcoholic beverages must not be provided as awards, door prizes, or giveaways.

B. Specific Guidelines for University Residence Halls

- 1. Residence hall occupants and their guests are required to comply with state and local statutes concerning possession, sale, and consumption of alcoholic beverages.
 - a. If used, alcoholic beverages must be used in moderation to ensure residents' rights to privacy, sleep, and study within their rooms/apartments. Loud or disruptive behavior, interference with cleanliness of the residence halls, or drinking habits which are injurious to the health or education of an individual or those around her/him are reasons for appropriate disciplinary action by the University.
- 2. Residence hall occupants of lawful age may consume and possess alcoholic beverages in the privacy of their rooms and/or apartments only under the following guidelines
 - a. Alcoholic beverages may be possessed or consumed, but not sold, in the privacy of student rooms/apartments by those residents and their invited guests who are of legal drinking age.

- b. All alcoholic beverages that are transported through public areas must be unopened and concealed. See Section I.A.8 for further information.
- c. All private gatherings held in student rooms/apartments must be confined to the specific room/apartment and the door must be closed. A maximum of six (6) occupants (residents and guests) is allowed per room/apartment.
- d. Students may not possess an excessive amount of alcoholic beverages. The definition of "excessive" is at the discretion of the Department of University Housing. Kegs or other large containers that contain alcoholic beverages are prohibited in the residence halls.
- e. Advertisement of private gatherings (parties) in a resident's room/apartment is prohibited.
- f. Residents are responsible for the action(s) of their guests at all times. The use/misuse of alcoholic beverages does not excuse disruptive, noisy, or indecent behavior.
- g. Progressive drinking parties are not allowed.
- h. Alcoholic beverages cannot be served or consumed at functions sponsored by RHA or hall governments.

C. Referral Procedures for Noncompliance

Individuals or organizations violating the University Alcoholic Beverage Policy will be referred to the appropriate Vice President, Campus Managers at each center, or their designees for disciplinary and/or criminal action.

D. Penalties for Noncompliance

- 1. All students, faculty, staff, and visitors using University facilities have a responsibility to abide by all conditions of the University Alcoholic Beverage Policy. Persons found guilty of noncompliance with this policy or the laws of the state of Texas have committed a violation of University rules and regulations and are subject to sanctions commensurate with the offense as outlined in the Student Handbook, Faculty/Staff Handbooks, and Sections II.A-L under "Legal Requirements Concerning the Use of Alcohol" in this policy.
 - a. Student violations of the alcohol policy will result in confiscation and disposal of the alcoholic beverages and

referral to the University disciplinary system for appropriate sanctions.

- b. Nonaffiliated groups or organizations found to be in violation of this policy will have the function or event closed down immediately, forfeiting the remainder of their rental as well as their deposit, and may lose the privilege of future use of Texas Woman's University facilities.

II. Legal Requirements Concerning the Use of Alcohol

The use of alcoholic beverages by members of the Texas Woman's University community is at all times subject to the alcoholic beverage laws of the state of Texas. Such laws presently include, in part:

A. Purchase, Consumption, or Possession of Alcoholic Beverages by a Minor

A minor commits an offense if she/he purchases an alcoholic beverage except if under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code; consumes an alcoholic beverage except in the visible presence of the minor's adult parent, guardian, or spouse; or she/he possesses an alcoholic beverage except during employment by a licensee or permittee and the employment is not prohibited by this code or in the visible presence of the minor's adult parent, guardian, spouse, other adult to whom committed by a court, or the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code. A violation is a Class C Misdemeanor punishable by a fine not to exceed \$500. If a person has been previously convicted of a violation of this section, a violation is a misdemeanor punishable by a fine of not less than \$250 nor more than \$2,000 and/or confinement in jail for a term not to exceed 180 days. (Alcoholic Beverage Code [ABC] Sec. 106.02, 106.04, 106.05, and 106.071 and Penal Code [PC] Sec. 12.23)

B. Purchase of Alcoholic Beverages for a Minor/Furnishing Alcoholic Beverages to a Minor

A person commits an offense if she/he purchases an alcoholic beverage for or gives or with criminal negligence makes available an alcoholic beverage to a minor, unless the person is the minor's adult parent, guardian, or spouse or an adult in whose custody the minor has been committed by a court and is visibly present when the minor possesses or consumes the alcoholic beverage. A violation of this section is a Class A Misdemeanor punishable by a fine not to exceed \$4,000 and/or confinement in jail for a term not to exceed one year. (ABC Sec. 106.06 and PC Sec. 12.21)

C. Misrepresentation of Age by a Minor

A minor commits an offense if she/he falsely states that she/he is 21 years of age or older or presents any document that indicates that she/he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. A violation of this section is a Class C Misdemeanor punishable by a fine not to exceed \$500. If a person has been previously convicted of a violation of this section, a violation is punishable by a fine of not less than \$250 or more than \$2,000 and/or confinement in jail for a term not to exceed 180 days. (ABC Sec. 106.07 and 106.071 and PC Sec. 12.23)

D. Public Intoxication

An individual commits an offense if the individual appears in a public place under the influence of alcohol or any other substance to the degree that the individual may endanger self or another. Public intoxication is a Class C Misdemeanor that is punishable by a fine of up to \$500. (PC Sec. 49.02)

E. Sale of Alcoholic Beverages

The sale or possession for the purpose of sale of any type of alcoholic beverage is prohibited by state law unless the seller possesses a valid license or permit. (ABC Sec. 11.01 and 61.01) The term "sale" is broadly interpreted by law enforcement authorities to include such practices as charging admission to events where alcoholic beverages are served. In addition, tickets, activity fees, membership dues, or other exchanges that are in any way restrictive are viewed as indirect payment for alcoholic beverages and are illegal unless the alcohol is obtained through a valid liquor license.

F. Consumption After Hours

Consumption of alcoholic beverages in a public place is not permitted between the hours of 12:15 A.M. and 7:00 A.M., Monday-Saturday and 1:15 A.M. and 12 noon on Sunday. (ABC Sec. 105.06) Consumption after hours is a Class C Misdemeanor offense with a fine of up to \$500. (PC Sec. 12.23) Therefore, an individual should not possess a cup, glass, can, bottle, or any other receptacle containing alcoholic beverages in a public place between the hours listed above. This includes streets, parking lots, restaurants, bars, or any establishment open to the public as well as outside fraternity/sorority houses.

G. Consumption or Possession of Alcoholic Beverages in a Motor Vehicle

A person commits an offense if the person knowingly possesses an open container, meaning a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed, in a passenger area, meaning the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle, of a motor vehicle

that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. A violation of this Section is a Class C Misdemeanor offense with a fine of up to \$500. (PC Sec. 49.031 and 12.23)

H. Driving While Intoxicated

"Intoxication" is defined as not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or, having an alcohol concentration of 0.08 percent or more. A person commits an offense if the person is intoxicated while driving or operating a motor vehicle in a public place. A first offense is a Class B Misdemeanor with a fine of up to \$2,000 and confinement in jail for a term of not less than 72 hours nor more than 180 days. If the person driving or operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is also a Class B misdemeanor with a minimum term of confinement in jail for six days. (PC Sec. 49.01 and 49.04)

I. Boating While Intoxicated

A person commits an offense if the person is intoxicated while operating a watercraft. An offense under this section is a Class B misdemeanor with a minimum term of confinement of 72 hours. (PC Sec. 49.06)

J. Intoxication Assault

A person commits an offense if the person, by accident or mistake, while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place or while assembling a mobile amusement ride while intoxicated by reason of that intoxication causes serious bodily injury to another. "Serious bodily injury" means injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. An offense under this section is a felony of the third degree. (PC Sec. 49.07)

K. Intoxication Manslaughter

A person commits an offense if the person operates a motor vehicle in a public place, operates an aircraft or a watercraft or an amusement ride, or assembles a mobile amusement ride and is intoxicated and by reason of that intoxication causes the death of another by accident or mistake. An offense under this section is a felony of the second degree. (PC Sec. 49.08)

L. Enhanced Offenses and Penalties

If it is shown on trial of an offense under Section 49.04, 49.05, 49.06, or 49.065 that the person has previously been convicted one time of an offense relating to the driving or operating of a motor vehicle, an aircraft, or a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated, the offense is a Class A misdemeanor with a minimum term of confinement of 30 days. If it is shown that the person has previously been convicted two times of an offense relating to the driving or operating of a motor vehicle, an aircraft, a watercraft, or an offense of operating or assembling an amusement ride while intoxicated, the offense is a felony of the third degree. (PC Sec. 49.09)

III. Guidelines

- A. Misrepresentation of the required information will result in the immediate loss of alcohol use privileges and further disciplinary actions at the discretion of approving individuals.
- B. No public University funds may be used to purchase alcohol on or off campus. This includes the use of student services fees, Student Union fees, or residence hall fees.
- C. A cash damage deposit will be paid once the request for alcohol use has been approved. The amount will vary with the facility and type of event.
- D. University components, University affiliates, non-university individuals, organizations, or groups providing alcoholic beverages for use on campus with ABUR approval must purchase all alcoholic beverages and hire a bartender through the University Food Services Contractor. The only exceptions to ABUR requirements are private use in residence hall rooms/apartments or champagne toasts at wedding receptions held outside of Hubbard Hall. All other exceptions to this policy must be approved in advance by the University Large Event Committee.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[URP 01.200: Speech, Expression, and Assembly](#)

FORMS AND TOOLS

None

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