

Office/Contact: Office of Human Resources

Source: SDCL 35-1-14; SDBOR Policies 3.4.1, 4.3.1, 4.4.8, 4.7.1 and 6.14

Link: https://sdlegislature.gov/Statutes/Codified_Laws/2078480; <https://sdbor.edu/policy/>

Associated Forms: [Alcoholic Beverage Non-Sale Permit Application](#)

SUBJECT: Drug Free Environment

NUMBER: 4:7

1. Purpose

This policy and its procedures implement SDBOR Policies 4.7.1 and 3.4.1 and set forth the
and policies governing possession, use, or distribution of alcohol, marijuana, strP3 (ua)4.S0r ct6.1 0thE 0th(rP3 (un0 T

- iii. When alcohol is possessed, used or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional students who are at least twenty-one (21) years of age;
 - iv. When the possession, use, or distribution of the controlled substance is incidental to treatment by a licensed health care professional authorized to prescribe such substances. For purposes of this section, a prescription does not include a written certification for use of medical marijuana, pursuant to SDCL 34-20G-1(23). Employees who use medical marijuana pursuant to a validly issued written certification when not on property controlled by the University may subsequently report to work or participate in activities as long as such use does not cause impairment or inability to perform the duties of their position;
 - v. When alcohol is produced or stored in accordance with SDCL 35-1-14, which provides that the University may produce up to two hundred gallons of distilled spirits, up to two hundred gallons of malt beverage, and up to two hundred gallons of wine each year, and securely store up to two hundred gallons of each at any given time, for purposes of research and offering bona fide educational courses instructing students who are at least twenty-one (21) years old in the production and serving of distilled spirits, malt beverage, or wine; or
 - vi. When alcohol is possessed, used or distributed in a lawful manner on University property designated by the University President as places where such possession, use and distribution may be permitted, subject to the conditions prescribed. Additional requirements for the sale of Alcoholic Beverages are set forth in SDBOR Policy 6.14 and University Policy 6:4.
- f. The University has designated a limited number of sites on campus where lawful alcohol possession and consumption may be permitted without sale as part of a University sponsored event or activity, upon University President approval. Areas for sale of Alcoholic Beverages are established pursuant to University Policy 6:4. Those sites designated as areas for activities without sale include the following locations:
- i. Football tailgate areas (pursuant to University Football Tailgating Policy)
 - ii. Designated reception areas in the Oscar Larson Performing Arts Center
 - iii. University Student Union
 - iv. McCrory Gardens
 - v. South Dakota Art Museum
 - vi. Agricultural Heritage Museum
 - vii. Designated hospitality areas in Frost Arena
 - viii. Club 71 and Coughlin Alumni Lounge
 - ix. Lincoln Hall

The University President may designate additional sites on campus where the lawful alcohol possession and consumption is permitted, subject to the restrictions of this and other University and SDBOR policies and procedures, and a properly issued Permit.

- g. Approved alcohol use will be limited to wine and beer. Only individual serving-sized cans of beer will be permitted under this policy. No kegs or other large containers of beer may be used on campus. Mixed drinks and liquor will not be permitted.

- h. University individuals or groups requesting permission to serve alcohol on campus are prohibited from advertising the availability of alcohol use on campus.
- i. Whenever an officially recognized organization is permitted under this policy to conduct a social function at which alcohol will be provided, it must adhere to the following guidelines:
 - i. If the function includes the sale of alcoholic beverages, appropriate permits and licenses must be obtained;
 - ii. The organization sponsoring the event should implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who appear intoxicated;
 - iii. Persons of legal age must be designated as servers. They must be trained to monitor alcohol consumption, and they alone may have direct access to alcoholic beverages.
 - iv. Attractive nonalcoholic beverages must be equally available and on display.
 - v. The consumption of alcoholic beverages must be limited to the area designated for the event.
 - vi. A reasonable portion of the budget for the event must be designated for the purchase of food items, and food must be available throughout the event.
 - 1. Officially recognized student organizations remain subject to the additional restrictions set forth in the Student Code which prohibit expenditure of organizational funds for alcoholic beverages.
 - vii. Alcohol service must be discontinued well before the event is expected to end.
 - viii. Alcohol use should never be the primary focus of the event. Drinking contests and other activities that encourage consumption of alcohol are strictly prohibited.
 - ix. Advertising may not mention the availability of alcohol in a prominent way, nor may advertising mention the amount of alcoholic beverages available. If mention is made, equal attention must be given to the availability of nonalcoholic beverages.
 - x. Officially recognized organizations will have the responsibility to provide those persons conducting the event.

- i. Students will be subject to the Student Code, which sets forth additional policies governing student possession, use, or distribution of alcohol, marijuana, or controlled substances.
 - ii. Disciplinary or corrective action procedures for employees will vary according to the individual's status as a Civil Service employee, as a non-faculty exempt employee, or as a faculty member. Disciplinary or corrective action measures shall be imposed pursuant to those procedures that are appropriate to the employee's classification.
 - iii. Employees whose unlawful possession, use, or distribution of alcohol, marijuana, or controlled substances violates this policy may be subject to those disciplinary or corrective action measures set out in SDBOR Policy 4.4.8, SDBOR Policy 4.3.1, and ARSD 55:10:07:01; except that absent extraordinary circumstances, a second infraction will be deemed just cause for termination.
 - iv. Where the infraction constitutes a felony offense under South Dakota or federal law, the essential facts of the infraction will be referred to law enforcement authorities. Referral of a matter to law enforcement authorities will not require suspension of disciplinary proceedings nor delay imposition of discipline or corrective action.
- k. The University is responsible for preparing and distributing annually to all students and employees written statements that set forth in detail the following:
- i. SDBOR and/or University policies that regulate the possession, use, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances, together with the relevant disciplinary procedures and sanctions;
 - ii. Legal sanctions under local, state, or federal law for the unlawful possession, manufacture, or distribution of illicit drugs and alcohol;
 - iii. Health risks associated with the use of alcohol, marijuana, or controlled substances; and
 - iv.

1. The data provided in response should contain sufficient detail to demonstrate that sanctions were imposed consistently and equitably among those students and employees who became subject to discipline.
- m. Nothing in this policy abrogates the applicable requirements of the Americans with Disabilities Act.

3. Procedures

- a. The University reserves the right to approve or deny requests for alcohol use without sale at its sole discretion. Sales of Alcoholic Beverages on University Property are subject to review and discretionary approval under University Policy 6:4.
 - i. Groups or individuals wishing to obtain authorization for Alcoholic Beverage possession or consumption without sale in accordance with this policy must submit a fully completed *Alcoholic Beverage Non-Sale Permit Application* with the reservation or facility use agreement for review and routing through the applicable facility use reservation process to the University President, or designee.
 - ii. A fully completed *Alcoholic Beverage Non-Sale Permit Application* and all required documents, including a facility reservation or facility use agreement, security plans, and any other requested information must be submitted at least ten (10) business days prior to the proposed event. Once the facility manager has signed, the application and accompanying documents will route through the approved electronic process to the University-designated food and beverage provider, applicant, Safety and Security, and the University President, or designee, for review.
 - iii. The University President, or designee, will review the application, required documents, internal unit approvals, and will indicate whether the permit is approved or disapproved on the *Alcoholic Beverage Non-Sale Permit Application*. Following the University President's, or designee's, decision and signature, a copy of the fully completed application will be provided to the facility manager.
 - iv. The University President, or designee, may require additional review of facility use reservations, facility use agreements, security plans, food and Alcoholic Beverage contracts, and other supporting information and documentation by other University officials to inform the President's, or designee's, decision whether to e8a f and Ald 9tld (a)4.4 (ga7 (u)-3.7 (Td() (6.98 0 0 (g)-3.7 (n)-3.8 (ee, (g)-3.7 (n)-

4. Responsible Administrator

The Vice President and General Counsel is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 08/05