

Bellarmino University Student Handbook (2011-2012 Academic Year)

Policy on Alcohol

Preamble

The use and especially the abuse of alcohol can pose a serious threat both to the full development of the individual person and the educational environment, which includes not only the campus community but the neighborhood and surrounding community.

Federal regulations (Federal Drug Free Schools and Communities Amendments of 1989) require notification of the following: unauthorized distribution, possession, or use of any controlled substance or illegal drug as defined by the Kentucky Revised Statutes; providing alcoholic beverages to individuals under twenty-one (21) years of age; possession or use of alcoholic beverages by individuals under twenty-one (21) years of age; and unauthorized possession of an open container of an alcoholic beverage, public intoxication; unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for purposes of illegal distribution on Bellarmine University premises or at Bellarmine University sponsored activities.

This policy and the related procedures outline the University's responsibilities and the responsibilities of those who work, study, or congregate at the University. This policy applies to students in all academic-related activities and environments on and off campus. Care has been taken to outline these responsibilities so as to allow each member and guest of Bellarmine University to assume the respective responsibilities attendant to his or her status with Bellarmine University.

Risks Associated with Alcohol and Drug Use

All substance use poses some degree of health risk. The level of risk is dependent on the type of substance, frequency, and amount used; interactions with other medications/substances, and individual risk factors including family history, previous substance abuse history, and health conditions (e.g. depression, pregnancy, diabetes, heart disease). For more information about alcohol and drugs and/or to take a free alcohol abuse screening, please visit the following site:
www.bellarmino.edu/studentaffairs/counselingcenter/alcoholdrugs.

Counseling and Treatment Resources

Bellarmino University Health Services
502.272.8493 or www.bellarmino.edu/studentaffairs/healthservices/

Bellarmino University Counseling Center
502.272.8480 or www.bellarmino.edu/studentaffairs/counselingcenter

Alcoholics Anonymous
502.582.1849 or www.louisvilleaa.org

Jefferson Alcohol & Drug Abuse Center
502.583.3951 or www.sevencounties.org

Alcoholic Beverage Policy

The following information and guidelines apply to all Bellarmine University students, friends, and guests attending events sponsored by the University. They have been established to provide for the growth of the individuals as persons and to provide for the preservation and enhancement of the environment and communities within which this growth occurs. Those who engage in substance abuse may be referred to appropriate internal and external assistance programs. The University provides counseling and referral services to students through the Counseling Center. Information on this program can be picked up in the Counseling Center, 502.272.8480.

State and City Laws

Members of the University community are expected to be aware of and obey state and municipal laws or ordinances regulating the use, possession or sale of alcoholic beverages. Alcohol concentration of or above 0.08 is the definition of intoxication in the State of Kentucky. Students who are cited for violations of such laws or ordinances by state or municipal

authorities also may face University disciplinary proceedings and/or be required to pursue counseling or treatment as a condition of continued enrollment at the University. The laws of the Commonwealth of Kentucky are applicable to every person on the Bellarmine University campus, regardless of his or her state or country of origin. The following are important Kentucky and City of Louisville laws or ordinances:

1. It is illegal for any person under twenty-one (21) years of age to attempt to purchase, consume, possess or transport any alcoholic beverages.
2. It is illegal for any person under twenty-one (21) years of age to knowingly and falsely present himself or herself to be twenty-one (21) years of age for the purpose of procuring any intoxicating beverage.
3. It is illegal for any person to represent to a dealer or any other person that a minor is over twenty-one (21) years of age for the purpose of inducing the dealer or other person to serve alcoholic beverages to that minor.
4. It is illegal for any person to request anyone over twenty-one (21) years of age to purchase or offer to purchase any alcoholic beverage from a licensed dealer for a minor.
5. It is illegal for any person to sell, furnish or give away any alcoholic beverage to a person under twenty-one (21) years of age or to any person who is visibly intoxicated.
6. It is illegal to operate or control a motor vehicle while under the influence of alcohol.
7. It is illegal for any person, whether or not a minor, to sell alcoholic beverages without a license.
8. It is illegal for any person to induce anyone under twenty-one (21) years of age to commit any of the above criminal acts.

A City of Louisville ordinance prohibits the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages in public streets, sidewalks, highways, buildings, lanes, parking lots, recreation or park areas or other public property within the City of Louisville.

The penalties for violating the above laws and ordinance are severe. Moreover, individuals may face severe financial consequences from a civil lawsuit arising out of the use or misuse of alcohol.

University Regulations Governing the Use of Alcohol

The following regulations govern the use of alcohol on the Bellarmine University campus:

1. The use or possession of alcoholic beverages is allowed at on-campus and off-campus student sponsored events or at University-sponsored activities for students when approved by the Director of Student Activities and the Dean of Students. A student-sponsored event includes, but is not limited to, private parties and events at which University or student organization funds or resources are used. This policy applies, therefore, to all out-of-state travel or travel abroad, regardless of the alcohol policies/laws that exist elsewhere.
2. Intoxication and/or alcohol abuse shall not be permissible as an excuse for unlawful behavior or misconduct. Public drunkenness, as commonly defined by slurred speech, erratic behavior and physical coordination difficulties, is prohibited. In addition, disorderly conduct, property destruction, intimidation, verbal abuse or harassment, or other infringements of the rights of others as a result of alcohol use is prohibited.
3. Alcoholic beverages of any kind are prohibited at University-sponsored athletic events on and off campus. Such beverages may be served to adult groups (guests of the University) within the controlled environment of the Booster Room or one of the rooms provided for entertaining guests.
4. No driver shall consume alcoholic beverages in any University vehicle or in a University sponsored vehicle. State law prohibits alcohol consumption in any vehicle on public highways.

Alcohol Policy Violations and Sanctions

Each violation of the University Alcohol Policy will be reviewed according to the University's student conduct. The following sanction per alcohol policy offense will be used as guidelines and are not requirements. The sequence of sanctions below might not be followed for more severe alcohol policy violations (e.g. excessive amounts of alcohol). Failure to meet the terms of any sanction in the allotted time period will result in further disciplinary actions, including additional sanctions and/or fines.

First offense - Warning and completion of AlcoholEDU for Sanctions within time frame allotted by Hearing Officer, Substance Education Fund Fine of \$100.

Second offense - Substance Education Fund fine of \$150.

Third offense - University Probation and Parental Notification*

Fourth offense - University Suspension

Additional sanctions may be assigned as deemed necessary by the appropriate student conduct body. Additional sanctions may include, but are not limited to, assignment of community service hours, residence hall probation, educational sanctions, restitution, etc.

**In accordance with the Family Educational Rights and Privacy Act, which is part of the Higher Education Act, the University has a right to notify parents/legal guardians if a student under the age of 21 violated an alcohol or drug policy or is accused of a violent crime. Bellarmine University may inform parents/legal guardians of students who have received the sanction of University or Residence Hall Probation or higher.*

Advertising and Marketing of Alcohol

Bellarmino University does not permit the advertisement or promotion of the availability of alcohol at social functions as an attraction of the event, nor does it permit the marketing of alcoholic beverages by manufacturers or distributors, or by clubs, organizations, departments or divisions of the University.

Legal and Responsible Use of Alcohol for Registered Students Organizations and Special Student Events

The right to acquire, possess, and consume alcoholic beverages is limited by state laws that establish minimum drinking ages, drinking and driving laws, and public intoxication laws. The possession, sale, use or consumption of alcoholic beverages, while on or off campus or during an RSO sponsored event must be in compliance with all applicable laws of the state, province, county, city, and institution. Bellarmine University has also established policies on alcohol use on campus and off campus by student groups. It is incumbent on students, faculty, and staff to become knowledgeable regarding these policies for planning programs and events for a department or organization, including Registered Student Organizations (RSOs).

Education Requirement

The education requirement pertains to those RSOs that plan to serve or consume alcohol at any student event both on and off campus. A list of scheduled Alcohol Awareness Programs will be sent to RSOs. All RSOs at the beginning of the fall semester anticipating events with alcohol in the spring semester are encouraged to attend awareness programs when offered. Special accommodations for programming can be requested through the Director of Student Activities or his/her designee. Groups who do not hold events involving alcohol may be granted exemptions to the education requirement. The University, however, encourages all organizations to participate in these educational programs even if alcohol is not served at their events.

Fifty percent or 15 members of each RSO, along with RSO presidents and event chair, must have documented attendance at one of the Alcohol Awareness Programs provided by the Director of Student Activities and his/her designee.

The President of the RSO and/or the Advisor must sign an Acknowledgement and Review Statement indicating that Alcohol Guidelines have been reviewed with their membership. If a group does not meet the education requirement and documentation is not filed by the last Alcohol Awareness Program, no further events involving alcohol will be scheduled until the education requirement is met. In situations where it appears impossible to adhere to the membership attendance requirements, a request for waiver of the requirement must be submitted to the Director of Student Activities two weeks prior to the educational program approved by the Director of Student Activities and the Dean of Students.

Event Notification & Guidelines

All RSOs must send appropriate prior notification to the Director of Student Activities regarding events where alcohol will be served or consumed. Event notification forms are available in the Student Activity Center.

The Event Notification form must indicate anticipated attendance at the event and what safety and security measures will be taken. The Event Notification form must be submitted a minimum of two weeks (14 days) in advance of the event to the Director of Student Activities. Events may be cancelled or alcohol will not be permitted if notification is not given.

Event Notification forms must be signed by at least one advisor or approved substitute of the sponsoring RSO. At least one advisor that has signed the form must be present for the entire length of the event.

Event Guidelines

Any organization holding an event where alcohol is served must get their promotional materials approved through the Director of Student Activities or his/her designee. The promotional materials may not advertise that alcohol will be served or consumed at their event or present any pictorial, radio, written, or verbal references to alcohol (BYOB or names of alcoholic beverages). Promotional materials may state that: Beverages will be provided with a valid ID but the font must be the smallest of all fonts appearing on the advertisement.

Any person entering an event with the purpose of consuming or purchasing alcoholic beverages must provide a valid driver's license stating that he/she is of age. Bellarmine University identification cards are not acceptable as proof of age. All persons 21 or older who wish to drink at the event must have a wristband attached upon admission to the function. The third party vendor will be responsible for seeing that only those people with the appropriate wristband will be furnished with a drink. In accordance with state law, no one under the age of 18 is allowed at an event where alcohol is furnished unless a Bellarmine ID is presented.

The above mentioned wristband will have indicated marks where a third party vendor will mark the wristband when a drink is purchased. The wristband will only allow for one drink per hour, with drinks ceasing to be served one hour before the event ends.

Alcohol at the events must be served by a third party vendor. The third party vendor must utilize trained bartenders for all events that are held in licensed facilities and/or that require a one-day license. All bartenders must be certified by programs such as T.I.P.S, Servsafe, or other alcohol server programs. The bartender holds the privilege to refuse service to anyone that is publicly intoxicated. Nonalcoholic beverages and accessible food must be made available by the organization.

Those attending events on or off-campus are prohibited from taking alcohol to or from those events and those having their own containers are prohibited from entering an event with the container.

A reasonable number of non-drinkers as determined by the Director of Student Activities or his/her designee from the sponsoring organization must be designated to serve as monitors for the event. This number will consist of no less than 5% of the estimated group size or 5 members of the organization. Monitors assist with making sure no one under the age of 21 is consuming alcoholic beverages, patrolling the event to assist intoxicated individuals with assuring a safe ride home, and making sure non-alcoholic beverages and food is readily available. It is strongly suggested that the sponsoring organization provide a means of transportation to and from the event for those individuals who are intoxicated. Suggested methods of transportation include establishing a base rate with a taxi company to provide continuous service from the event or obtaining permission for a Bellarmine University vehicle to serve as a shuttle. This suggestion of transportation will be at the discretion of the Director of Student Activities. A detailed checklist is available in the Student Activities Center for an RSO to ensure that all requirements have been met.

Security Guidelines of Public Safety

Sponsoring organizations must make arrangements to have Security officials at their event. The Security officers will be from the Office of Public Safety or an agency approved by the Director of Student Activities or his/her designee. The sponsoring RSO is responsible for payment of all Security officers.

At least three Security officers will be assigned to the event. One Security officer is to be in charge of checking identification and issuing wristbands to those who are of legal age to consume alcohol. One Security officer is to be stationed near the alcohol serving area. One Security officer is to make frequent rounds throughout the venue in which the event is being held. In addition to the three mandated Security officers, for events in which the expected amount exceeds 100 persons, there should be one security officer for every 100 persons in attendance.

The advisor of the RSO and an officer or event chair is to meet with the security agency for the event at least 30 minutes prior to the event to outline specific security needs and expectations of the event. Security must remain at the event until all parties have been dispersed. The event chair of the sponsoring RSO must see to it that the head of the security detail submits a post event report to the Director of Student Activities. The report should include any problems or issues that arose during the event.

Responsibility and Liability

Bellarmine University assumes no liability for students who are negligent in upholding the above policies and procedures. RSO leaders and members should educate themselves about potential legal liability and consequences regarding alcohol consumption and accidents resulting in personal injury or death. Each individual is responsible for his or her personal behavior and may be held accountable under the Bellarmine University Code of Student Conduct.

Checklist for RSO events that are providing Alcoholic Beverages:

1. Have the proper campus officials been notified? Submit event form to the Director of Student Activities.
2. Will any state laws or city ordinances be violated? If the answer is yes you should rearrange your plans to follow University, state laws and/or city ordinances.
3. Have the members of your organization participated in the education requirement and do they know the governing laws of the institution and state?
4. How will the organization/group officers maintain control over the function? Has security been acquired?
5. What alternative beverages and food are to be provided? Who is responsible for this?

If you have any questions you can contact the Director of Student Activities at 502.272.8433 or the Dean of Students at 502.272.8150.

Illegal Drug Use Policy

Bellarmine does not allow the use of illegal substances. Because the use of illegal drugs is dangerous to the well being of individual users, and to the goals of this educational community, the following regulations are in effect. Students involved in the manufacture, sale, offering to sell, delivery, use or possession of a controlled substance or paraphernalia will be referred to the Dean of Students. Such conduct could entail suspension or expulsion from the University and/or a requirement that the student enroll and actively participate in a drug counseling and rehabilitation program as a condition of continued enrollment or readmission. The University reserves the right to evict a residential student involved in any of the above-mentioned behaviors from its residence halls at any time during the academic year. These regulations are not substitutes for criminal sanctions provided for by state and federal statutes.

Laws Concerning Illicit Drugs

The following laws concerning specific illicit drugs are drawn from the Controlled Substance Act of the Commonwealth of Kentucky. A representative listing of specific drugs and the violations inherent in illegal activities related to such drugs is provided below. The failure to list all drugs included in the above act does not exonerate individuals from responsibility for their actions as it relates to illegal drugs, nor does it preclude the University from taking steps to address illegal activity in terms of its own internal counseling and referral system or its judicial system.

Among others, the following acts and the causing thereof are prohibited within the Commonwealth of Kentucky:

- The manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance or drug paraphernalia.
- The penalty for violation of these acts is based upon the nature or schedule of the drug involved and the weight of the substance.

Possession of Marijuana

1. A person is guilty of possession of marijuana when he/she knowingly and unlawfully possesses marijuana. Possession of marijuana can be a misdemeanor or felony depending on the amount in possession and number of offenses.
2. A person is guilty of marijuana cultivation when he/she knowingly and unlawfully possesses marijuana plants with the intent to sell. Possession of 5 or more plants of marijuana is a felony.

Criteria for Classification of a Schedule 1 Narcotic

A Schedule 1 narcotic is one that has high potential for abuse and has no accepted medical use in treatment in the United States. Possession of a Schedule 1 narcotic for a first offense is a class D felony.

Criteria for Classification of a Schedule 2 Narcotic

A Schedule 2 narcotic is one that has a high potential for abuse and has a current medical use in treatment in the United States. Possession of a Schedule 2 narcotic for a first offense is a class A misdemeanor. Trafficking in narcotics or marijuana within one-thousand (1000) yards of any school is a class D felony.

Drug Conviction & Financial Aid

If a student is convicted in a court of law for possessing or selling illegal drugs while receiving federal student aid, this action may negatively affect the student's future eligibility to receive such aid. Please contact the Office of Financial Aid to discuss the students' aid eligibility.

Possession of Drug Paraphernalia

Possession of any drug paraphernalia is a class A misdemeanor; however, the presence of any illegal controlled substance in/on this paraphernalia may change this to a class D felony.