

Office/Contact: Office of Human Resources

Source: SDBOR Policy 4:27; SDBOR Policy 4:14; SDBOR Policy 4:4; SDBOR Policy 3:4; SDBOR Policy 6:14

Link: <https://www.sdbor.edu/policy/documents/4-27.pdf>; <https://www.sdbor.edu/policy/documents/4-14.pdf>; <https://www.sdbor.edu/policy/Documents/4-4.pdf>; <https://www.sdbor.edu/policy/documents/3-4.pdf>; <https://www.sdbor.edu/policy/documents/6-14.pdf>

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

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Drug Free Environment

NUMBER: 4:7

1. Purpose

This policy and its procedures implement SDBOR Policies 4:27 and 3:4 and set forth the policies governing possession, use, or distribution of alcohol, marijuana, or controlled substances on University property. The sale of Alcoholic Beverages on University Property is subject also to SDBOR Policy 6:14 and University Policy 6:4.

2. Policy

- a. The University is committed to providing a drug free workplace. In compliance with the Drug-Free Workplace Act of 1988, the University strictly proscribes the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances by its employees and agents while on duty or while in any workplace controlled by the University. For purposes of this proscription, the workplace shall include premises and vehicles owned and controlled by the University and other premises and vehicles when used by the University for education, research, service, or other official functions.
 - i. Any person violating this proscription shall be subject to appropriate disciplinary actions, which may include termination of employment or expulsion from the University and SDBOR institutions.
 - ii. Additional regulations may be found in SDBOR Policy 4:14.2(F). It is the intent of the SDBOR that all employees regardless of their faculty, exempt, or civil service status be subject to the policies set out in those provisions. Employees are also subject to applicable federal and state laws.
- b. Each person employed by the University to render services under a federal grant or pursuant to a federal contract will, as a condition of that employment, agree to (1) abide by the terms of this policy, and (2) to notify their Supervisor, or the University President, of any criminal drug statute conviction for a violation occurring in the workplace, that notice being submitted no later than five (5) days after such conviction.

- i. The Supervisor, University President, or appropriate designees, shall have primary responsibility for the implementation of the foregoing policy.
 - ii. Each University employee who is assigned to perform services under a federal grant or pursuant to a federal contract shall be given a copy of the University's drug free environment policy.
 - iii. Whenever the University receives actual notice that an employee rendering services under a federal grant or contract has been convicted of a criminal drug statute violation that occurred in the workplace, the University President, or designee, shall notify the appropriate federal agency within ten (10) days after receipt of such notice.
 - iv. Within thirty (30) days of receipt of the notice specified in paragraph (iii), the University shall (1) take appropriate personnel action against the employee, up to and including termination, and (2) in the event that the personnel action stops short of termination, require such employee, at his or her own expense, to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by an appropriate agency.
- c. In compliance with the Drug-Free Schools and Communities Act Amendments of 1989, the University strictly prohibits the unlawful possession, use, manufacture, or distribution of alcohol, marijuana, or controlled substances by its students or employees while on University controlled property or while participating in any capacity in activities or employments sponsored by it.
- i. Students are subject to the provisions set forth by federal and state law and all SDBOR and University policies, including SDBOR Policy 3:4 and the University Student Code.
- d. No possession, use, manufacture, or distribution of alcohol, marijuana, or controlled substances is permitted on premises controlled by the University, except:
- i. When needed in conjunction with approved research activities;
 - ii. When alcohol is possessed, used, or distributed in a lawful manner inside a dwelling occupied by an employee who, as a condition of employment, is required to maintain a residence on premises controlled by the University;
 - 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 treatment by a licensed health care professional authorized to prescribe such substances; and
 - v. 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.

- e. 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. Roberts Reception Hall in the Performing Arts Center
 - iii. University Student Union
 - iv. Peterson Recital Hall in Lincoln Music Hall
 - v. McCrory Gardens
 - vi. South Dakota Art Museum
 - vii. Agricultural Heritage Museum

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.

- f. 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.
- g. University individuals or groups requesting permission to serve alcohol on campus are prohibited from advertising the availability of alcohol use on campus.
- h. 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 with copies of these regulations. They will also be responsible for implementing these regulations.
 - xi. Officially recognized organizations must agree to abide by the foregoing regulations as a condition of continued recognition.
- i. Persons who violate the provisions of this policy will be disciplined.
 - i. Students will be subject to discipline as set forth in the Student Code. The Student Code sets forth additional policies governing student possession, use, or distribution of alcohol, marijuana, or controlled substances.
 - ii. Disciplinary procedures for employees will vary according to the individual's status as a Civil Service employee, as a non-faculty exempt employee, as a faculty member who is excluded from the bargaining unit, or as a faculty member who is within the bargaining unit. Disciplinary 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 measures set out in SDBOR Policy 4:14, SDBOR Policy 4:4, 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.
 - j. 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, 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. Any available programs for alcohol, marijuana, or controlled substances counseling, treatment, rehabilitation, or re-entry.
- k. The University is required to report, on a biennial basis:
- i. Evidence about the degree to which its alcohol, marijuana, and controlled substances programs have been effective in reducing academic, social, and employment problems associated with the use of such substances;
 - ii. Any changes in University or SDBOR policies that might enhance program effectiveness; and
 - iii. Data showing what disciplinary measures were imposed on students or employees pursuant to the foregoing policies.
 - 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.

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.
 - 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 delivered to the Office of the University President through the applicable facility use reservation process at least ten (10) business days prior to the proposed event. The University President, or designee, may request additional information to inform the President's determination.
 - iii. The University President will review the application, required documents, internal unit approvals, and have correspondence transmitted approving or disapproving the *Alcoholic Beverage Non-Sale Permit Application* to the applicant. The University President 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 decision whether to approve or deny an application.

1. If the application is not approved, the University President will indicate the reason for the disapproval.
 2. If the application is approved, the University President will approve a Permit for the event.
- iv. If the Permit is approved, it will be displayed at the Permitted Event at point of service.
4. Responsible Administrator

The Assistant Vice President for Human Resources and Associate Vice President for Student Affairs, their successors, or designees, are 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 08/05/2014. Revised; Approved by President 07/21/2016. Revised; clerical edits only 08/01/2020.