

## *Introduction to the Wake Forest University Alcohol Policy for Undergraduate Students*

The goal of this policy is to appeal to students to make low-risk choices regarding their use of alcohol. As educators, we recognize that a certain tension exists between the legal and sub-cultural realities related to drinking behaviors; our aim is to help students increasingly take responsibility for their actions, so that they can achieve their fullest potential. By abiding by this policy, students should be able to make responsible decisions regarding alcohol use.

Decisions about the use of alcohol are the responsibility of the individual within the constraints of the law. As members of the University community, we respect and encourage those who abstain from the use of alcoholic beverages, and expect those who use alcoholic beverages to do so responsibly. Furthermore, we believe the University should educate its members about the proper use and dangers of alcoholic beverages and encourage constructive change when abuses occur.

The regulations and practices governing the use of alcoholic beverages apply to all Wake Forest undergraduate students, as well as their guests and visitors. Responsibility for knowing and abiding by the Wake Forest University Alcohol Policy for Undergraduate Students rests with each individual.

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# WAKE FOREST

# UNIVERSITY

**Office of Residence Life and Housing**

101 Benson Center

<http://www.wfu.edu/housing/>

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# *Wake Forest University Alcohol Policy for Undergraduate Students*

## **LEGAL CONTEXT**

Effective September 1, 1986, the minimum age for the legal purchase and possession of alcoholic beverages in North Carolina was changed to 21. Wake Forest University recognizes the responsibility of the state and federal governments with regard to the welfare of their citizens and, accordingly, supports this law in University social regulations. Generally, the law provides that (1) a person must be at least 21 to attempt to purchase, purchase, or possess any alcoholic beverage; (2) it is unlawful for a person to sell or give alcoholic beverages to an underage person; and (3) it is illegal to use fraudulent identification or to allow another person to use one's own identification to obtain alcoholic beverages illegally. The state Supreme Court has upheld the principle of social host liability. The principle of social host liability holds a server of alcohol responsible for serving a person who the server knows or should have known was intoxicated if the intoxicated person injures a third party.

## **POLICY STATEMENT**

### *General Regulations*

Possession or consumption of alcoholic beverages is permitted only in accordance with this policy. Failure to comply with this policy and applicable laws, including disruptive behavior resulting from alcohol abuse (e.g. disruptive acts, public intoxication, damage to public or private property, and driving under the influence of alcohol), subjects the individual to judicial action within the University and/or in a court of law.

1. All Wake Forest University undergraduates and their guests are subject to University regulations and policies concerning the use of alcoholic beverages as well as all federal, state, and local laws. Wake Forest University students are responsible for the behavior of their guests.
2. The sale of alcoholic beverages on campus is prohibited except for sales by the designated University Dining Services or at specially permitted events. Each event in this category requires a separate, one-time special permit, which may be obtained through ARAMARK, Wake Forest dining services operations.
3. Alcoholic beverages for social functions sponsored by undergraduates and undergraduate student organizations may not be purchased with University funds.
4. This policy outlines responsible behavior for individual undergraduate students and student organizations, both on and off campus. This includes students participating in Wake Forest sponsored or sanctioned activities and student organization social events. When students study abroad, they are expected to abide by the legal drinking age in the country(ies) where they study/travel. In such cases, the Wake Forest judicial process is triggered by reports from authorized officials.

### *Individual Regulations*

1. Students and their guests of legal age may consume alcoholic beverages in the following locations on the Reynolda campus: residence hall rooms (except in substance-free areas), University apartments, leased lounges (members and guests only), suites (residents and guests only), suite lounges in North Hall, Polo Area University houses, and Shorty's.
2. Students and their guests of legal age may consume alcohol on leased patio areas after 5:00 p.m. on weekdays and after noon on Saturday and Sunday.
3. Possession of alcoholic beverages in open primary or secondary containers outside designated areas is prohibited and constitutes public display. A primary container is the original package (can, bottle, etc.) in which an alcoholic beverage is purchased or otherwise obtained. A secondary container is a device into which an alcoholic beverage has been transferred from its primary container or a device used for concealment, such as a Koozie.
4. Alcoholic beverages may not be consumed in common lounges of residential facilities except during a registered function.
5. Residents and their guests are not allowed to carry primary or secondary open containers of alcohol to or from suite/floor lounges at any time. The transportation of open containers of alcohol to and from lounges constitutes "public display." A legal age student who transports alcohol anywhere outside of an area within which consumption has been approved (i.e., residence hall, room, suite/hall lounge, registered area) must ensure that the alcohol is in its original unopened primary container.

### *Organizational Regulations*

Student organizations hosting social functions where alcohol is served must abide by all University regulations and applicable laws. Such groups are responsible for managing their social functions in a manner consistent with this policy.

1. Persons of legal age may consume alcoholic beverages at social functions registered in accordance with this policy. Attendance at such functions is limited to WFU students and their invited guests.
2. Host organizations will ascertain that individuals who consume alcoholic beverages at a social function are at least 21 years of age.
3. Host organizations must prominently display information regarding North Carolina state law.
4. All formal recruitment functions for social organizations are dry; that is, no alcohol is permitted.
5. Organizations holding social functions at any off-campus location at which alcohol is available must abide by all laws and be aware that their organization represents Wake Forest University. The organization may be held accountable for its actions through the University judicial process.
6. Alcoholic beverages may not be stored/held in organizational lounges at any time other than during an officially registered social function.

7. Wake Forest University requires all Greek organizations understand and comply with their national policies and guidelines related to the purchase, distribution and consumption of alcoholic beverages. No alcoholic beverage may be purchased through chapter funds, nor may the purchase of same for members be undertaken or coordinated by any member in the name of or on behalf of the chapter. The purchase or use of a bulk quantity or common source of such alcoholic beverage (kegs or cases) is strictly prohibited.
8. In the event of differences between Wake Forest University and national organization policies, WFU policies shall supercede those national policies; that is, students are expected to follow WFU policies first.

#### *Administration of the Policy*

1. The Alcohol Coalition reviews the University Alcohol Policy and alcohol rules and regulations on a regular basis. The Alcohol Coalition reports its findings to the Vice President for Student Life and Instructional Resources and the Student Life Committee.
2. The implementation of the Wake Forest University Alcohol Policy for Undergraduate Students is under the direction of the Office of Residence Life and Housing. The Director of Greek Life, the Executive Director of Residential Services, and the Associate Vice President and Dean of Student Services administer the policy in consultation with the Vice President for Student Life and Instructional Resources and the Student Life Committee.
3. Individuals found in violation of University regulations are subject to judicial action as specified in the Student Handbook. The University judicial system is jointly administered by the Dean of Student Services, the Associate Dean/Judicial Officer, and the Honor and Ethics Council.
4. Organizations found in violation of this policy will be subject to established sanctions as determined by the Office of the Associate Vice President/Dean of Student Services and/or the Office of Residence Life and Housing.

#### *Registration and Location Guidelines*

All campus social functions at which alcoholic beverages will be available must be approved and registered with the Office of Residence Life and Housing by 12:30 p.m. (afternoon) on Wednesdays for weekend events (Friday and Saturday night events) and three business days before weekday events (Sunday–Thursday night events). Due to the processing time required to review and approve event registration forms, no exceptions will be made to these deadlines. These functions are limited to the following areas:

- a) Residence hall common lounges and courtyards
- b) Residence hall formal parlors
- c) Residence hall leased lounges
- d) Dining areas of Reynolda Hall
- e) Benson University Center

- f) Babcock School of Management
- g) School of Law
- h) Wingate Hall (Divinity School)
- i) Patios and sun decks (after 5:00 p.m.)
- j) Polo Area University houses
- k) Reynolda Meadows
- l) Magnolia Patio and Courtyard
- m) Davis Field
- n) Shorty's

Areas of campus other than those specified above may be used on special occasions as approved on an individual basis by the Office of Residence Life and Housing.

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## APPENDIX A

### DEFINITIONS OF KEY TERMS

**Alcoholic Beverage:** any liquid containing at least one-half percent (0.5%) alcohol by volume, including beer, wine, liquor, or mixed drinks.

**BYOB:** a social event where “individuals” bring their own alcoholic beverage. If an event is designated as “BYOB,” collective purchasing of alcohol (by members or non-members of the sponsoring organizations) is prohibited.

**Excessive and/or Harmful Use of Alcohol (Alcohol Abuse):** *see Appendix E*

**Policy:** the document entitled “Wake Forest University Alcohol Policy for Undergraduate Students” and all its appendices.

**Possession:** transportation, ownership, or consumption of an alcoholic beverage (e.g. possession is assumed if alcohol is present in one's residence hall room—even if used for decorative purposes).

**Primary Container:** the original packaging in which an alcoholic beverage is purchased or otherwise obtained.

**Public Display:** the possession and/or consumption of alcoholic beverages in any public or unregistered area of campus. This includes classroom buildings, the Benson University Center, Reynolda Hall, the library, the gymnasium, Wait Chapel, Wingate Hall, areas outside buildings (including lawns, courtyards, balconies and playing fields), grounds and buildings of Reynolda Gardens, all residence hall formal parlors, common lounges and sun decks. Alcoholic beverages in closed primary containers can be transported through, but not consumed in, the hallways and corridors of the residence halls.

**Public Intoxication:** the state of being under the influence of alcohol to the point of stupor, disorderly behavior, poor coordination, or sickness. Public intoxication is considered to be alcohol abuse.

**Registered:** any social function that has been approved and recorded by the Office of Residence Life and Housing or other appropriate office.

**Secondary Container:** Any device into which an alcoholic beverage has been transferred from its primary container. Also, any device used for concealment (such as a Koozie).

**Student Organization:** any University-recognized organization, club or otherwise formally structured student group.

**Student Social Function:** any planned social gathering.

## APPENDIX B-1

### PARTY MANAGEMENT PROCEDURES AND GUIDELINES FOR CAMPUS SOCIAL FUNCTIONS

Effective August 15, 1992, all students of the University community and their guests are expected to comply with the following procedures and guidelines.

#### General Information

1. All residential and social student organizations will designate at least two members (President and Social Chair required) to participate in the Alcohol Policy Education-Orientation Program at the beginning of each academic year. These representatives are responsible for disseminating information concerning the use of alcohol and the applicable legal and University regulations to the members of their organization. This requirement must be met before an organization will be permitted to hold any social function at which alcohol is available.
2. The President of each student organization that intends to host a registered function will sign a statement available from the Office of Residence Life and Housing indicating that he/she has thoroughly explained the Wake Forest alcohol policy to the members of his/her organization.
3. Graduate student groups planning social functions at which alcohol will be consumed will register such events with their graduate school office and identify a staff or faculty person responsible for supervising the function. The Office of Residence Life and Housing shall be notified in writing of each function.
4. All campus social functions are private events and attendance is limited to members of the Wake Forest community and invited guests, unless made more restrictive by the sponsoring organization(s).
5. If alcoholic beverages are available at a social function, the host(s) is responsible under this policy if alcoholic beverages are served to a person not of legal drinking age or if alcoholic beverages are served in excessive amounts to any person. If common containers for alcoholic beverages are used, the host(s) and/or the purchaser of the container have the same responsibilities and cannot avoid these responsibilities by leaving a common container unattended.
6. Only beer or unfortified wine may be consumed at any student social function. Individuals of legal age may possess and consume other alcoholic beverages including fortified wines, distilled liquors, and liqueurs having an alcohol content of more than 18% by volume only in their private residence hall rooms. Organizations (other than Greek groups) may possess kegs of alcohol pending approval and official registration with the Office of Residence Life and Housing.
7. Individuals may bring their own alcoholic or non-alcoholic beverages to registered social functions designated as "BYOB" but are prohibited from furnishing any alcoholic beverages to a person not of legal drinking age or to an intoxicated individual. Individuals should not bring to a social function more alcoholic beverages than he/she might reasonably consume over the course of the event. Social hosts should be familiar with information on Blood Alcohol Levels and behavioral effects as a guideline for individual possession and consumption (see Appendix D).
8. The use of alcoholic beverages as a prize in any type of contest is prohibited. Moreover, beer slides, drinking contests, and drinking contest paraphernalia (e.g., bongos, funnels) are also prohibited.

### Alcohol Policy Orientation Program

The Alcohol Policy Orientation Programs will be held at the beginning of the fall and spring semesters. Under the direction of the Office of Residence Life and Housing, these programs will provide instruction in and discussion of this policy, the uses and possible dangers of alcohol, the judicial process, roles and expectations of members of the University community, social host liability issues, effective party planning and management, and problem solving and crisis intervention. The program should consist of the following components:

1. An education effort for incoming students that will involve the Residence Life and Housing Staff and Health Educator;
2. An orientation program for the leaders of all residential and non-Greek social organizations, to be attended by at least two executive officers of each organization;
3. An orientation program for campus Greek organizations, to be attended by the president and social chairperson of each Greek organization.
4. An orientation program coordinated by the Health Educator which will assist student leaders in recognizing the dangers associated with alcohol abuse, demonstrate how to confront/respond to individuals who may be experiencing difficulty with alcohol use; and provide methods for referring students with potential drinking problems/behaviors.
5. A required session for all presidents and social chairs related to social host liability issues.

### Registration and Advertisement of Social Functions

1. An undergraduate organizational social function held in a University facility/property at which alcoholic beverages will be served or consumed must be registered with the Office of Residence Life and Housing no later than 12:30 p.m. three business days in advance of the social function (e.g., Wednesday 12:30 p.m. for weekend events). A registration fee as determined by the Office of Residence Life and Housing will be assessed to cover administrative costs.
2. Social functions, with or without alcohol, to which *non-University, off-campus groups have been invited* are to be registered in the Office of Residence Life and Housing at least ten working days prior to the event.
3. All organizational-sponsored social functions where alcohol is not present are to be registered with the hall director (for residence hall functions) or Director of Greek Life (for non-residence hall sponsored functions) two working days in advance of the function.
4. Social functions or theme parties that use combustible materials or which alter the environment must consult with and receive prior approval from the Office of Residence Life and Housing and comply with safety and clean-up guidelines for such events.
5. Social functions at which alcoholic beverages are available and at which students are in attendance may not be held during the final examination period or the forty-eight hours immediately preceding that period. Events at which alcohol will be served or permitted may not be held at a time during which regularly scheduled University classes are in session (8:00 a.m.-5:00 p.m., Monday-Friday), except with prior approval of the Office of Residence Life and Housing.

6. All registered social functions may be held until 12:00 a.m. on Sunday through Thursday and until 3:00 a.m. on Friday and Saturday. Alcohol service and music must stop at 2:00 a.m. Live music is permitted on weekdays only with prior approval of the Office of Residence Life and Housing. No live music is permitted in outside areas after 9:00 p.m.
7. An organization may register a maximum of two weekday social functions per month at which alcohol is available, and only one such function in any given week.
8. All social functions will be designated on the registration form as either “alcohol-provided” or “bring your own” functions. At functions designated as “alcohol-provided,” the sponsoring organization is responsible for providing all alcoholic beverages (i.e., kegs, if allowed by organization policy) and individuals are prohibited from entering the function with any alcoholic beverage. At functions designated as “bring your own,” members and guests of the host organization may provide their own alcoholic beverage in the form of canned beer or unfortified wine. If an event is designated “BYOB,” this means that “individuals” will bring their own alcohol to the event and that bulk quantities or common sources of alcohol will not be provided by the organization nor by collective members of the organization. No kegs or bottled beer will be permitted.
9. Social functions may be publicized only if the advertisement makes no statement, explicitly or implicitly, that alcoholic beverages will be served. Publicity for social functions shall not use the words, phrases, pictorial characterizations, descriptions, or representations of alcoholic beverages or events (i.e., “Happy Hour,” “Kegs,” “Cocktails,” “Golden Beverage,” “All You Can,” etc.) or any alcoholic beverage brand names. All public materials shall include the phrase “Members and Invited Guests ONLY.” Event registration and approval must be completed prior to the release of any publicity.
10. Themes of registered social functions (including publicity materials) should not be sexually, racially, religiously, or ethnically offensive.
11. North Carolina law requires any tax-exempt organization holding a fundraising event at which beer or wine is served and admission is charged to obtain a special one-time permit for the event. These permits may be issued to an organization only once per calendar quarter and are issued to non-profit organizations for fundraising events only.

Applications for such permits must be submitted to the local Alcohol Law Enforcement Office at least three weeks prior to the event. Student organizations should contact the Office of Residence Life and Housing for application forms and assistance in the application process.

### Management of Social Functions

1. Individuals who attend a registered social function at which alcohol beverages will be available must be identified by age.
  - a) Host organizations must verify the age of all those entering the function, regardless of whether they have been checked elsewhere.

- b) Host organizations must have two members at the primary entrance of the social function verifying the ages of those who enter (i.e., all IDs must be checked each time a guest enters the event), and at least one member of the organization must be present at other entrances to direct all guests to the primary entrance. Throughout the duration of the registered social function, all entrances are to be monitored. At such time that a party is co-sponsored by two organizations, each organization is responsible for having a member at the main entrance checking IDs and a member at all other exits. Should a violation occur, sanctions will be implemented upon both organizations according to whether or not it is the organization's first, second, or third violation.
  - c) Guests will be admitted only through the primary entrance. A driver's license or student ID showing the bearer's photograph and official age or a passport are acceptable forms of identification.
  - d) Individuals verifying the ages of those entering may not be under the influence of alcohol and may not consume alcoholic beverages while on duty.
  - e) All persons at least twenty-one years of age whose age has been verified will wear a wristband or other approved type of identification. Age verification procedures must be approved by the Office of Residence Life and Housing at the time of registration. Any underage student found wearing a wristband relating to a registered function will be referred to the Office of Associate Vice President for Student Life/Dean of Student Services. The host organization which provided the wristband will also be referred to Office of the Associate Vice President for Student Life/Dean of Student Services for judicial action.
  - f) In the instance where alcohol is provided by the host organization(s), a uniform, designated clear cup and wristband will be issued at the party entrance to each person who is twenty-one (21) years of age or older. The wristband is to be affixed to the person's wrist at the party entrance. Only those individuals displaying the cup and designated wristband are to be served alcohol and only those individuals displaying the cup and designated wristband are permitted to consume alcohol. No cups exceeding 16 ounces are permitted into the social function.
  - g) Wake Forest students, other than members of the host organization, may attend registered social functions only as a registered guest of the host organization. Organizations must follow guidelines issued by the Office of Residence Life and Housing for registering guests.
  - h) Individuals other than members of the Wake Forest community may attend social functions only as an accompanied guest of a University community member and are the responsibility of said community member.
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- 2. At no time during a party shall the number of people exceed the fire code occupancy limit. At such time that the party has reached its maximum capacity, the door shall be closed by the designated party hosts. As people leave the party, that same number shall be allowed to enter the party.
  - 3. Host organizations are required to post at least two signs at social functions stating "It is illegal for persons under 21 years of age to possess or consume alcoholic beverages." The signs, which can be obtained from the Office of Residence Life and Housing, will be posted in plain view at the entrance and at the service area.

4. If a host organization does not provide alcoholic beverages at a social function, the organization is still responsible for monitoring the distribution and consumption of any and all alcoholic beverages available at the function. Only those individuals of legal age displaying the designated wristband will be permitted to possess and consume alcohol.
5. Host organizations are responsible for preventing the transport of open containers of alcohol into and out of the registered party area. Trash receptacles should be present at all entrances and exits.
6. The host organization will provide non-alcoholic beverages and food that must be specified on the registration form. Both the non-alcoholic beverage and food must remain in plain view, be easily accessible, and available in sufficient quantities; alcoholic beverages can be served or consumed only as long as non-alcoholic beverages are available.
7. If a member or guest appears intoxicated, the host organization is expected to respond in a responsible manner.
8. Organizational representatives acting as servers or ARAMARK employees/bartenders may serve only those of legal drinking age. These servers must be at least twenty-one years of age and members of the host organization or persons for whom the organization is willing to take full responsibility, and they may not be under the influence or consume alcoholic beverages while on duty.
9. Host organizations must have two members (at least one must be a junior or senior member of the organization) to act as social hosts who will be responsible for the organization's compliance with this policy and who will be present for the duration of the social function. The social hosts must be identified on the registration form and their names posted at the entrance. They must report to the Compliance Adviser before the function begins and may not be under the influence of alcohol or consume alcohol during the party. Social hosts must review the University alcohol policy and party management procedures with the Office of Residence Life and Housing prior to serving as a social host. Organizational pledges are prohibited at all times from assisting with or being involved in any aspect of the management/oversight of functions involving alcohol. One host will serve as the ID Checking Procedure Host and one will serve as the Alcohol Management/Bartending host. Two additional hosts may serve in each of the two capacities above and they must be listed on the event authorization form in advance. During the course of the social function, the hosts will perform the following duties:
  - a) Oversee proper identification and serving procedures.
  - b) Monitor the size of the crowd.
  - c) Supervise the Guest Log and prevent uninvited guests from attending the function.
  - d) Help maintain order and ensure responsible behavior.
  - e) Facilitate orderly closing of the social function.
  - f) Consult with the "on-duty" Compliance Adviser, Residence Life and Housing staff, and University Police officials as necessary.

At least one party host must attend a weekly party management orientation session prior to the planned event. The social event will be cancelled if the host does not attend the scheduled orientation session. Office of Residence Life and Housing personnel, the respective party host, and the assigned compliance adviser will be present at the session.

10. At all registered social functions, a trained, nonpartisan compliance adviser must be present periodically during the course of the event. The compliance adviser's role is to advise the host organization in its compliance with University regulations and state laws; to officially evaluate the effectiveness of the party management system. Each registered social function will be assigned a compliance adviser from the pool of trained compliance advisers.
11. The Office of Residence Life and Housing may determine that a sponsoring organization will be required to hire security personnel to perform the above responsibilities at social functions.

#### Closing

1. A host organization is responsible for compliance with the Appearance and Clean-up Practices as issued by the Office of Residence Life and Housing. Host organizations must properly clean in and around the area (up to fifty feet away) where a social function has been held.
2. The host organization must submit to the Office of Residence Life and Housing a complete evaluation of the social function at the end of the event. Such a report must include a standard evaluation form and a copy of the guest log.

## APPENDIX B-2

### PARTY MANAGEMENT SUMMARY

#### A. EVENT MANAGEMENT PROCEDURES: PRE-EVENT PREPARATION MEETING (WEEKEND EVENTS)

##### 1) *Distribution of Materials:*

- Pick up event materials in Benson 101 at specified time, 30 minutes before function (wristbands, guest logs, signs, etc.)

##### 2) *Preparing for Event (Party Hosts)*

- Guest log at front door.
- ID Checker available at bar area.
- Legal age posters in place.
- Food and non-alcoholic beverages arranged.
- Clear cups at bar.
- Be aware of all party management rules, regulations, and procedures.

##### 3) *During Event*

- Check all IDs and distribute wristbands at door.
- ID Checker should print name of each guest and guest should sign log or register electronically at scanner.
- Guests instructed to take alcohol to bar and register alcohol with the bartender.
- Bartenders and other Party Hosts must be SOBER all evening!
- The Bartender should not open the container of alcohol, while handing it to the individuals.
- Bartender secures alcohol behind bar; checks wristbands each time a beer is retrieved; makes sure that non-alcoholic beverages are available throughout the event.
- Other party host(s) should assist bartender and ID Checker as necessary.
- Prevent and respond to underage possession/consumption.
- Additional party host(s) should walk through the party on a regular basis (noting potential problems and concerns).
- At least one designated party host should be positioned at the entrance and exit(s) at all times during the event.
- Be attentive/respond to excessive consumption, intoxication, and potential safety hazards.
- Contact the Compliance Adviser (CA) if necessary.
- Always call a Compliance Adviser (CA) ahead of time, when supplies are running low.

##### 4) *Closing the Event*

- Lights on and music off by 2:30 a.m. weekends or midnight on weekdays.
- All events must end by 3:00 a.m. weekends or midnight on weekdays.
- Initial clean-up must occur immediately following event.
- Final (and comprehensive) clean-up should occur by 12:00 p.m. the following day.
- At the end of event, party hosts should return the following items to the CA:
  - (a) All unused wristbands
  - (b) Completed and legible guest log
  - (c) Complete event evaluation form

5) *Important Reminders*

- All sponsoring organizations are responsible for knowing all University policies and procedures related to party management and the alcohol policy.
- Designated party hosts, social chairs, and presidents are responsible for all aspects of the event.
- Cooperate and communicate with the Compliance Advisers.
- No warning system for Compliance Advisers
- Different procedures will apply to groups with registered non-BYOB functions.
- If you need emergency assistance, contact University Police.

## **B. HELPFUL INFORMATION TO READ BEFORE HEADING TO AN ON-CAMPUS PARTY**

*(from the Guide to Community Living)*

As a student, you will have an opportunity to attend many undergraduate social events on campus. Many of these events will not involve alcohol; however, alcohol will be a part of some events. If you choose to attend an undergraduate event involving alcohol, and if you choose to drink, the following information should be useful. The purpose of this information is to provide you with important facts regarding registered undergraduate social functions on the Reynolda campus. Your knowledge of this information will greatly enhance the organizational sponsors' ability to effectively manage their social functions.

- ◆ Attendance at a social event (fraternity, sorority, and other organizational events) is a privilege, not a right. As a result, the sponsoring organizations will ask for your complete support in adhering to the aforementioned policies and practices. Failure to do so may result in party hosts or other members of the organization asking you to leave the event, or you may be referred to the judicial system by the party hosts, other organizational leaders, or compliance advisers.
- ◆ Organizations which sponsor BYOB functions have a very difficult job. Their national organizations, University policies, and federal and state laws impose very specific expectations and standards in regards to social functions. Please do your part to make sure that organizations do not suffer as a result of failures to adhere to the following policies and guidelines.
- ◆ The primary individuals responsible for overseeing social functions on campus are your peers. However, you are the primary person responsible for your own behavior and actions. Please help them in their efforts to plan and carry out safe, legal, and fun events.
- ◆ Non-alcoholic beverages and food will be provided at BYOB functions. Please know that you can attend a social event without feeling as though you have to drink alcohol. The primary purpose of an event is to have fun and socialize. You don't have to drink to accomplish these goals!

Before you head out to a party on campus, please think of your safety and the safety of others. Have fun. . . but take care of yourself and others around you!

Most of the events on campus involving alcohol will be BYOB.

## APPENDIX C

### FIPG INC.,

#### A RISK MANAGEMENT ASSOCIATION OF MEN'S AND WOMEN'S FRATERNITIES

- A. Memorandum dated October 1999 from Steven V. Zizzo, FIPG Inc. President concerning FIPG Inc. Update to University/College Presidents, Vice Presidents of Student Affairs, Deans of Students, Greek Advisors, Panhellenic Presidents and IFC Presidents.

Highlights of letter:

- (1) At the time of the letter, the organization had grown to 45 organizations, with membership listing attached.
- (2) Board of Directors redefined its mission as an educational organization and not an enforcement agency. With this modification, the former Violation Report Form was renamed the Risk Management Support Request Form. All violations must be reported directly to the headquarters. Questions should be directed to Bob Miller (bmiller@fast.net).
- (3) The Board of FIPG is dedicated to continuing the organization's commitment to promote the best in risk management education and information, with continuing sponsorship of an annual meeting.
- (4) FIPG risk management programming would continue with Ginny Carroll (ginny@alphaxidelta.org) as a contact.
- (5) Questions regarding the FIPG Policy should contact Dave Westol at dave@thetachi.org.
- (6) FIPG manuals are available and can be requested by calling (317) 872-1112.

- B. **FIPG Inc. Risk Management Policy:** The Risk Management Policy of FIPG Inc. includes the provisions which follow and shall apply to all fraternity entities and all levels of fraternity membership.

*Alcohol and Drugs:*

- (1) The possession, sale, use or consumption of ALCOHOLIC BEVERAGES, while on chapter premises, during a fraternity event, in any situation sponsored or endorsed by the chapter, or in any event an observer would associate with the fraternity, must be in compliance with any and all applicable laws of the state, province, county, city and institution of higher education, and must comply with either BYOB or Third Party Vendor Guidelines.
- (2) No alcoholic beverage may be purchased through chapter funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the chapter. The purchase or use of a bulk quantity or common sources of such alcoholic beverage, e.g. kegs or cases, is prohibited.
- (3) OPEN PARTIES, meaning those with unrestricted access by non-members of the fraternity, without specific invitation, where alcohol is present, shall be prohibited.
- (4) No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e. those under legal "drinking age").
- (5) The possession, sale or use of any ILLEGAL DRUGS or CONTROLLED SUBSTANCES while on chapter premises or during a fraternity event or at any event that an observer would associate with the fraternity, is strictly forbidden.
- (6) No chapter may co-sponsor an event with an alcohol distributor, charitable organization or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) where alcohol is given away, sold or otherwise provided to those present.
- (7) No chapter may co-sponsor or co-finance a function where alcohol is purchased by any of the host chapters, groups or organizations.
- (8) All rush activities associated with any chapter will be a DRY rush function.
- (9) No member shall permit, tolerate, encourage, or participate in "drinking games."

(10) No alcohol shall be present at any pledge/associate member/novice program, activity or ritual of the chapter.

*Hazing:* No chapter, colony, student or alumni shall conduct nor condone hazing activities. Hazing activities are defined as: "Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside of the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with academic achievement, fraternal law, ritual or policy or the regulations and policies of the educational institution, or applicable state law.

*Sexual Abuse and Harassment:* The fraternity will not tolerate or condone any form of sexually abusive behavior on the part of its member, whether physical, mental or emotional. This is to include any actions which are demeaning to women or men including, but not limited to date rape or verbal harassment.

*Fire, Health and Safety:* All chapter houses should meet all local fire and health codes and standards. All chapters should have posted by common phones emergency numbers for fire, police and ambulance and should have posted evacuation routes on the back of the door of each sleeping room. All chapters should comply with engineering recommendations as reported by the insurance company. The possession and/or use of firearms or explosive devices of any kind within the confines and premises of the chapter house is expressly forbidden.

*Education:* Each fraternity should annually educate its students and alumni/alumnae in the Risk Management Policy of FIPG Inc. Additionally, all student and associate members and key volunteers shall annually be sent a copy of said Risk Management Policy.

## **APPENDIX D-1**

### **INDIVIDUAL SANCTIONS FOR VIOLATIONS**

Individuals and organizations found in violation of the regulations and guidelines of this policy will be subject to the following sanctions and procedures established in the Constitution of the Student Body, the Statutes which follow, and the bylaws of the Interfraternity and Panhellenic Councils, as well as in the University rules and regulations enumerated in the Student Handbook. The procedures and sanctions as stated in these documents are authoritative.

1. Individuals found in violation of University regulations are subject to judicial action as specified in the Student Handbook. Such action could include:
  - a) A report filed in the Office of the Associate Vice President for Student Life/Dean of Student Services.
  - b) An administrative hearing with the Associate Vice President for Student Life/Dean of Student Services or his designate.
  - c) A letter of notification to parents or guardians.
  - d) Attendance at an alcohol education session or a chemical dependency assessment to be determined by the Office of the Associate Vice President for Student Life/Dean of Student Services.
  - e) The individual may be required to have a professional assessment at his/her own expense to determine the degree of harmful chemical involvement. Treatment recommendations from the substance abuse specialist or facility will be included in the ultimate disposition of the judicial case by the Associate Vice President for Student Life/Dean of Student Services or Associate Dean.
  - f) A hearing through appropriate judicial processes and any sanctions assigned. Such sanctions might include social probation, monetary fine, community service, lower housing priority, loss of housing privileges, mandatory referral and/or suspension.
2. Students with repeat violations of the alcohol policy will be subject to additional sanctions, may be required to participate in an alcohol education program, and may be referred to the University Counseling Center.
3. Students who use false identification to represent themselves will be referred to the Judicial Adviser/Associate Dean.
4. No sanctions will be imposed simply for seeking medical assistance for intoxication or drug overdose or related injuries at the Student Health Service.

## **APPENDIX D-2**

### **ORGANIZATIONAL SANCTIONS FOR VIOLATIONS**

Organizations which violate this policy will be subject to judicial review by the Office of Residence Life and Housing and/or the Group Advisory Panel with recommendations to the Associate Vice President for Student Life/Dean of Student Services. Such action will be initiated by a report filed in the Office of Residence Life and Housing. The organization, if found in violation, will be subject to the following minimum sanctions:

First Violation:           Loss of social privileges involving alcohol for three (3) school weeks.

Second Violation:       Loss of social privileges involving alcohol for six (6) school weeks.

Third Violation:         Loss of social privileges involving alcohol for ten (10) school weeks.

Accumulation of violations will be per school year.

**NOTE:**   The above serve as examples of potential sanctions. Additional/different educational or punitive sanctions may be imposed by the administrator responsible for the alcohol policy, the Associate Vice President for Student Life/Dean of Student Services, or the Group Advisory Panel.

The judicial officer/body hearing a specific case may choose to recommend more stringent sanctions if conditions warrant such action. An organization's history and pattern of alcohol violations over the previous three years may be considered in assigning a sanction for a particular violation. Sanctions may be carried over into the following academic year. For example, should an organization lose social privileges for four weeks and there are only two weeks left in the school year, the organization will continue loss of social privileges for the first two weeks of the following school year.

## **APPENDIX E**

### **EXCESSIVE AND/OR HARMFUL USE OF ALCOHOL**

Substance abuse, especially alcohol abuse, is a significant problem on university campuses. Wake Forest University is no exception. The University has established a community standard that abusive drinking will not be tolerated here.

Excessive and/or harmful use of alcohol is any abuse of alcoholic beverages, as determined on a case case-by-case basis by the Associate Vice President/Dean of Student Services or his designee. Examples of excessive and/or harmful use of alcohol include, but are not limited to:

1. Use of alcohol which leads to medical consequences such as passing out, blackouts (loss of memory), gastritis (vomiting, retching), physical injuries, hepatitis, or other medical problems.
2. Use of alcohol in association with inappropriate behavior such as:
  - Verbal abuse
  - Physical abuse
  - Failure to comply with a University official
  - Property damage
  - Any behavior that violates the personal conduct code of the University
3. A pattern of recurring episodes of alcohol related violations of the Student Code of Conduct.
4. A single episode of intoxication in which the Associate Vice President/Dean of Student Services or his designee believes that the level of alcohol consumption posed a risk to the student's health or well being.

# APPENDIX F

## PRESUMPTIVE SANCTIONS

*Individual Alcohol Violations  
(found in the Student Handbook)*

<u>VIOLATION</u>	<u>PRESUMPTIVE SANCTION</u>
Aiding and abetting underage possession, purchase, or consumption of alcohol	\$100.00, 25 hours
Driving While Impaired	\$100.00 fine, 30 hours
Excessive and/or Harmful Use of Alcohol	\$75.00 fine, 20 hours, an alcohol assessment at the student's expense, a letter of notification, and call to parents or guardians.

*NOTE: Two or more abuse violations are grounds for suspension or expulsion.*

Public display	10 hours
Purchase or attempt to purchase alcohol (under age twenty-one)	\$75.00 fine, 20 hours
Unauthorized keg	\$100 fine, 50 hours
Underage possession and/or consumption	\$75.00 fine, an alcohol education activity

*NOTE: The Office of the Dean of Student Services will send a letter of notification to parents or guardians if found in violation of the University's alcohol policy on two separate occasions.*

*NOTE: Prior violations: An additional \$10.00 and 10 hours of community service (or equivalent) will be assessed for each prior judicial violation incident.*

## APPENDIX G

### EDUCATIONAL PROGRAMS

#### I. ALCOHOL 101: NETWORK VERSION FOR WAKE FOREST STUDENTS

Alcohol 101 is an interactive program aimed at reducing the harm associated with excessive drinking among college students. When using the program, you'll enter a "virtual party" and learn more about alcohol by:

- 1) "drinking" at a virtual bar which keeps tabs on your Blood Alcohol Content;
- 2) making decisions for characters placed in social situations involving drinking and not drinking; and
- 3) participating in numerous multiple choice games hosted by a talking lava lamp.

The program gives you ideas on how to stay safe and in control for when you are really at a party.

This program can be accessed by using a CD-ROM available through the Reserve Room at the Z. Smith Reynolds Library or through the University Health Educator, Natasha Romeo (phone #5937). Alternatively, for students on campus, Alcohol 101 can be accessed through the University network.

#### II. WAKE FOREST UNIVERSITY ALCOHOL TEST

##### *AUDIT: Do You Have a Drinking Problem?*

Alcohol Use Disorders Identification Test (AUDIT)

If you are concerned that you may have a drinking problem, answer the following questions. Scoring is simple: The numbers for each response are added up to give a composite score. If your score is above 8 and in-depth assessment is warranted and may be indicative of an alcohol problem. For further information, contact: the Student Health Service at (336) 758-5218 or the University Counseling Center at (336) 758-5273.

- 1) How often do you have a drink containing alcohol?  
0=Never  
1=Monthly or less  
2=Two to Four times/month  
3=Two to Three times/week  
4=Four or more times/week
- 2) How many drinks containing alcohol do you have on a typical day when you are drinking?  
0=None  
1=One or two  
2=Three or Four  
3=Five or Six  
4=Seven to Nine  
5=Ten or more
- 3) How often do you have six or more drinks on one occasion?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily

- 4) How often during the last year have you found that you were unable to stop drinking once you started?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily
- 5) How often during the last year have you failed to do what was normally expected from you because of drinking?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily
- 6) How often during the last year have you needed a first drink in the morning to get going after a heavy drinking session?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily
- 7) How often during the last year have you had a feeling of guilt or remorse after drinking?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily
- 8) How often during the last year have you been unable to remember the night before because you have been drinking?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily
- 9) Have you or someone else been injured as the result of your drinking?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily
- 10) Has a relative, friend, or health professional been concerned about your drinking or suggested that you cut down?  
0=Never  
1=Less than monthly  
2=Monthly  
3=Weekly  
4=Daily or Almost Daily

This screening test has excellent reliability and validity established across multicultural populations. It was developed by the World Health Organization and was published in a highly recommended volume.

### **III. THE TWELVE STEPS OF ALCOHOLICS ANONYMOUS**

Winston-Salem AA Helpline: (336) 725-6031, 24 hours a day

Winston-Salem AA Central Office:

P.O. Box 10006, 1020 Brookstown Avenue, No. 10

Winston-Salem, NC 27108

(AA literature and books are sold Wednesdays from 6-8 p.m. at the Central Office)

AA World Services:

P.O. Box 459

New York, NY 10163

(212) 870-3400

<http://www.aa.org>

Winston-Salem Al-Anon:

(336) 723-1452

#### ***The Preamble of Alcoholics Anonymous:***

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

The only requirement for membership is a desire to stop drinking. There are no dues or fees for AA membership; we are self-supporting through our own contributions; AA is not affiliated with any sect, denomination, politics, organization or institution; does not wish to engage in any controversy, neither endorses nor opposes any causes.

Our primary purpose is to stay sober and to help other alcoholics to achieve sobriety.

#### ***The Twelve Steps of Alcoholics Anonymous:***

The relative success of the A.A. program seems to be due to the fact that an alcoholic who no longer drinks has an exceptional facility for “reaching” and helping an uncontrolled drinker.

In simplest form, the A.A. program operates when a recovered alcoholic passes along the story of his or her own problem drinking, describes the sobriety he or she has found in A.A. and invites the newcomer to join the informal fellowship.

The heart of the suggested program of personal recovery is contained in Twelve Steps describing the experience of the earliest members of the society:

- 1) We have admitted we are powerless over alcohol—that our lives had become unmanageable.
- 2) Came to believe that a Power greater than ourselves could restore us to sanity.
- 3) Made a decision to turn our will and our lives over to the care of God as we understood Him.
- 4) Made a searching and fearless moral inventory of ourselves.
- 5) Admitted to God, to ourselves and to another human being the exact nature of our wrongs.
- 6) Were entirely ready to have God remove all these defects of character.
- 7) Humbly asked Him to remove our shortcomings.
- 8) Made a list of all persons we had harmed, and became willing to make amends to them all.
- 9) Made a direct amends to such people wherever possible, except when to do so would injure them or others.
- 10) Continued to take personal inventory and when we were wrong promptly admitted it.
- 11) Sought through prayer and meditation to improve our conscious contact with God as we understood Him, praying only for knowledge of His will for us and the power to carry that out.

12) Having had a spiritual awakening as the result of these steps, we tried to carry this message to alcoholics and to practice these principles in all our affairs.

Newcomers are not asked to accept or follow these Twelve Steps in their entirety if they feel unwilling or unable to do so.

They will usually be asked to keep an open mind, to attend meetings at which recovered alcoholics describe their personal experiences in achieving sobriety, and to read A.A. literature describing and interpreting the A.A. program.

A.A. members will usually emphasize to newcomers that only problem drinkers themselves, individually, can determine whether or not they are in fact alcoholics.

At the same time, it will be pointed out that all available medical testimony indicates that alcoholism is a progressive illness, that it cannot be cured in the ordinary sense of the term, but that it can be arrested through total abstinence from alcohol in any form.

## APPENDIX H

### OTHER UNIVERSITY DEPARTMENTS' ALCOHOL POLICIES

#### I. THE OFFICE OF CAREER SERVICES RECRUITING POLICY

The Office of Career Services adheres to the NACE (National Association of Colleges and Employers) policy which states that serving alcohol should not be part of the recruitment process. Therefore, all recruiting activity regardless of its location should be alcohol free. Should a company choose to serve alcohol (in violation of this policy), the company assumes complete liability and agrees to indemnify the Office of Career Services and Wake Forest University for any misconduct or negligence.

#### II. ATHLETICS TAILGATING POLICIES

The following tailgating policies are in effect for the Wake Forest football season to ensure a safe and enjoyable tailgating experience for our fans. The Department of Athletics encourages fans to arrive early, tailgate and enjoy Demon Deacon football.

Our students, faculty, staff and fans are all valuable members of our Wake Forest family and your attendance and participation at the games is a big part of our success. In order to make your attendance and that of those with and around you a positive one, our number one priority for tailgating is your safety. Enjoy the game and GO DEACS!!!

- (a) **No gas power generators allowed.** For safety reasons, gas power generators are not allowed due to the combustible situation gasoline presents.
- (b) **Grills and kegs.** Please be advised, propane/gas grills **will be allowed** again this season. However, we ask that propane tanks be limited to the 5-10 gallon size. Charcoal grills are discouraged, and we ask that hot coals be disposed of by using the 5-gallon water buckets provided by the Athletic Department. Kegs are permissible, however, groups providing kegs are also responsible for monitoring consumption and making sure those consuming alcohol are of legal age. **NO LIQUOR ALLOWED! Action will be taken.**
- (c) **No glass containers.** Again, for safety considerations, we ask that all tailgaters use cans and/or cups only – **No glass, please!**
- (d) **Parking.** Access to student lot will be off Shorefair Drive. Due to space limitations, student groups are allowed to secure one parking space for their tailgating needs for each home game. The parking lot will open three hours prior to announced game time. If more space is needed, contact the Operations office. Buses, RVs, rental trucks, and trailers, etc. will be directed to park in the LJVM Coliseum parking lots. These vehicles will not be allowed in the Groves Stadium lots.
- (e) **Tents.** All tents are restricted to grassy areas – no tents should be erected in parking lot due to space limitations and for emergency access into and through the parking lot.
- (f) **No external stereo systems allowed.** Out of courtesy to others using the same parking lots, only portable radio/stereo units (boom boxes) will be permitted. Remember though, for safety reasons, house stereo units requiring an external power source will not be allowed.
- (g) **Attend the game.** As has been the practice for many years, all tailgate parties will need to cease by the start of the game. This allows for the limited game day operations, security, and medical staff to turn their attention to those inside the stadium confines and is for the safety of all those attending the game. The parking lots will be cleared by University and Winston-Salem police officers beginning ten minutes prior to kick-off. Tailgaters will be asked to enter the game or leave the parking lots. Thank you for your cooperation.
- (h) **Behavior.** Please be respectful of other tailgaters around you and remember that Groves Stadium is Wake Forest University property and all students are subject to the Social Regulations and Policies stated in the student handbook. As a proud Wake Forest student,

we rely on you not only to follow these policies but to help enforce them with those around you as well.

- (i) *Miscellaneous*. Please pick up and bag your trash before entering the game. Personal bags brought into the stadium are subject to search. Please make use of the flag poles to display your fraternity/sorority colors. In case of emergencies, please contact the Operations Staff at 759.7367 or dial 911. First Aid personnel can be located on the West Concourse under Section 1.

Thank you for your cooperation and support of Wake Forest football.

Wake Forest University  
Department of Athletics

### III. BABCOCK GRADUATE SCHOOL OF MANAGEMENT

Students are subject to all state and local regulations concerning the use of alcoholic beverages. Public intoxication, consumption, or display of liquors, wines, or beers in residence halls or elsewhere on campus is prohibited. Furthermore, unbecoming behavior or any conduct violation committed by a student under the influence of alcohol will be dealt with in a serious manner.

The North Carolina law concerning the purchase and possession of alcoholic beverages was changed, effective September 1, 1986. The minimum age for the possession of any alcoholic beverage is twenty-one. The other provisions of the law are:

1. It is unlawful for a person under twenty-one to purchase, to attempt to purchase, or to possess any alcoholic beverage.
2. If a person, who is under the lawful age to purchase, aids or abets another in violation of (1) it is a misdemeanor punishable by a fine or up to \$500 or imprisonment for not more than six months.
3. If a person, who is over the lawful age to purchase, aids or abets another in violation of (1), that person is guilty of a misdemeanor punishable by a fine of up to \$2,000 or imprisonment for not more than two years.
4. It is unlawful to possess false identification or to use identification fraudulently or to allow another person to use one's own identification fraudulently to obtain alcoholic beverages illegally.
5. Graduate student groups planning social functions at which alcohol will be consumed will register such events with their graduate school office and identify a staff or faculty person responsible for supervising the function.

Persons of legal age may consume alcoholic beverages in the following locations: residence hall rooms, University apartments, leased lounges (members and guests only), suite lounges (residents and guests only), and Polo Area houses (residents and guests only). In addition, persons of legal age may consume alcohol on leased patio areas after 5 p.m. on weekdays and after noon on Saturday and Sunday. The consumption of fortified wines, distilled liqueurs, and liqueurs having an alcohol content of more than 18% by volume is permitted only in private residence hall rooms by persons of legal age.

A legal-age student who transports alcohol anywhere outside of an area within which consumption has been approved must cover the closed containers in the original packaging, a bag or cooler.

Individuals consuming alcoholic beverages at a registered social function have additional rights and responsibilities as stated in the University Alcohol Policy. Copies of the full policy are available in the Office of Residence Life and Housing.

Alcohol, liquors, wines or beer may not be consumed or displayed in classroom buildings, Benson Center, Reynolda Hall, the library, the gymnasium, Wait Chapel, Wingate Hall, areas outside buildings—including lawns, courtyards, and balconies, grounds and buildings of Reynolda Gardens, all residence hall formal parlors, common lounges, sun decks and patios. Wine or beer may be consumed by persons of legal age at registered social functions in leased lounges and other designated areas, with the approval of and under the guidelines set by the Dean of Student Services or his/her designate.

The sale of alcoholic beverages is prohibited on the Reynolda Campus except for sales by ARAMARK or an approved licensed vendor.

The use of alcoholic beverages as a prize in any type of contest is prohibited. Beer slides, drinking contests, and drinking contest paraphernalia are also prohibited.

Individuals who violate University regulations or state law will be dealt with in the following manner:

- A. A report will be filled with the Associate Vice President/Dean of Student Services.
- B. An administrative hearing with the Associate Vice President/Dean of Student Services or his/her designate.
- C. The individual may be required to attend an alcohol education session and/or a chemical dependency assessment.
- D. The individual may be required to have a professional assessment at his/her own expense to determine the degree of harmful chemical involvement. Treatment recommendations from the substance abuse specialist or facility will be included in the ultimate disposition of the judicial case by the Dean of Student Services or his/her designate.
- E. The recommended range of penalties:
  - 1. monetary fee
  - 2. community service
  - 3. loss of right to register an automobile
  - 4. mandatory referral
  - 5. a combination of the above
  - 6. suspension
- F. Students who use false identification to represent themselves will be referred to the Honor Council.
- G. No sanctions will be imposed simply for seeking medical assistance for intoxication, drug overdose, or related injuries at the Student Health Service.

Organizations or groups sponsoring social functions with alcohol must notify the Office of Residence Life and Housing (three business days in advance). A social function or party is defined as a planned event which has guests, refreshments, and entertainment. Organizations that sponsor social functions are responsible for upholding both University regulations and North Carolina laws concerning the use of alcohol. Such registered functions are required to follow the procedures outlined in the University Alcohol Policy entitled Organizational Regulations. Group violations of the state law and University Alcohol Policy will be handled through the group judicial process in the Office of the Dean of Student Services or via the Office of Residence Life and Housing. Copies of the University Alcohol Policy are available in the Office of Residence Life and Housing.

### *Excessive and/or Harmful Use of Alcohol*

Excessive and/or harmful use of alcohol is any abuse of alcoholic beverages, as determined on a case-by-case basis by the Associate Vice President/Dean of Student Services or his designee. Examples of excessive and/or harmful use of alcohol include, but are not limited to:

- i. Use of alcohol which leads to medical consequences such as passing out, blackouts (loss of memory), gastritis (vomiting, retching), physical injuries, hepatitis, or other medical problems.
- ii. Use of alcohol in association with inappropriate behavior such as:
  - Verbal abuse
  - Physical abuse
  - Failure to comply with a University official
  - Property damage
  - Any behavior that violates the personal conduct code of the University
- iii. A pattern of recurring episodes of alcohol related violations of the Student Code of Conduct.
- iv. A single episode of intoxication in which the Associate Vice President/Dean of Student Services or his designee believes that the level of alcohol consumption posed a risk to the student's health or well being.

### *Substance Abuse Policy and Program*

The University recognizes the potential harmful effects that substance abuse can have on the lives of individual members within the Wake Forest community. To that end, the University has adopted a Substance Abuse Policy and Program that addresses the issues of identification, confidentiality, education and treatment and penalties for violation of the policy. The status of any student will not be jeopardized for conscientiously seeking early assistance in the recovery from substance abuse impairment. Students who are identified as possibly having a problem and who are referred to the Health Educator for assessment may be required to participate in an education and treatment program. To the extent possible, complete confidentiality will be maintained with students seeking assistance and treatment.

- A. *Standards of Conduct.* Wake Forest University is unequivocally opposed to alcohol and substance abuse and the unlawful possession, use or distribution of drugs by students on the University's property or as any part of the University's activities. Any illegal possession, distribution, and use of alcohol and/or controlled substances are prohibited by the University.
- B. *State and Federal Sanctions.* The local, state, and federal laws provide specific penalties for drug and narcotics offenses. Article 5 of Chapter 90 of the North Carolina General Statutes makes it unlawful for any person to manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver those drugs designated collectively as "controlled substances." The punishment includes a term of imprisonment as well as a substantial fine.

The federal law makes it unlawful for any person to manufacture, distribute, create, dispense, or to possess with the intent to manufacture, distribute, or dispense controlled substances. Title 21 of the United States Code provides terms of imprisonment and fines for violations of this act. The nature of the offense and whether the person has committed any previous unlawful acts under this statute will determine the term of imprisonment as well as the amount of the fine.

The penalties for violations of alcoholic beverage regulations are found in Chapter 188 of the North Carolina General Statutes. Such penalties include terms of imprisonment and heavy fines.

- C. *Health Risks.* Wake Forest University recognizes that the state of an individual's overall health affects academic performance, job performance and all facets of a student's life. Alcohol and substance abuse rank as one of the major health and economic problems in this society. The use of the stimulants—cocaine, crack and ice—includes such health risks as central nervous system dysfunctions, convulsions, hypertension, heart irregularities, nasal destruction, and a potential for sudden death. A longer-lasting paranoia and unpredictable violent behavior have been associated with the use of ice. Apathy, decreased visual perception, impaired psychomotor skills, and memory loss may be associated with the use of marijuana. Alcohol is a sedative affecting the central nervous system. In addition to intestinal disorders and liver disease, the abuse of alcohol may lead to unpredictable behavior, the impairment of judgment, dangerous mob activities such as drinking games, and unwanted sexual behavior (acquaintance rape). The misuse of alcohol has given rise to unwanted pregnancies and a greatly increased number of sexually-transmitted diseases.
- D. *Treatment and Rehabilitation Programs.* The Substance Abuse Program, revised in March of 1989 and April 1994, provides a protocol for counseling and treatment of a student identified as having a substance abuse problem. Consultation and assessment with a substance abuse counselor may be required following the report of an incident or the awareness of a problem involving drugs or alcohol abuse. The program sets forth the consequences of violating the treatment and rehabilitation plan. The continued or repeated abuse of substances following initiation into this program will constitute grounds for further disciplinary action by the University.

#### IV. SCHOOL OF LAW

The law school has adopted a formal policy governing the use of alcohol at functions held at the law school, and regulating the extent to which law school funds may be used to purchase alcoholic beverages. The policy is set forth below:

##### WAKE FOREST UNIVERSITY SCHOOL OF LAW ALCOHOL POLICY

**Preamble:** The Wake Forest University School of Law is an academic professional institution with a mission to educate and prepare students for the intellectually and morally demanding legal profession. Stress is a part of life, not only for the law student, but for the practitioner. Alcohol abuse poses a danger to students and professionals who grow to depend upon alcohol to handle stress. The Wake Forest Law School community adopts the following alcohol policy as an aid to the development of responsibility in decisions regarding alcohol use and of awareness among our students, faculty, and staff as to the dangers of the misuse of alcohol.

I. Wake Forest University Law School will provide an alcohol abuse sensitivity program during the first year professionalism series. During this program and throughout the year, information about university and community services (such as the counseling center) that help students deal with stress and alcohol abuse shall be readily available.

II. Alcohol may not be provided or consumed in the building or in the courtyard during the academic year during regular daytime class hours. At other times, alcohol may be provided or consumed on school premises or using school funds only with permission first requested and approved by the law school. Requests should ordinarily be made at the beginning of the semester, but in any event at least two weeks before the affected event. Weather permitting, the picnic area behind the building will be the presumptive area for permitted use on school premises.

III. At a law school sponsored event, the sponsoring organization shall consider whether providing alcohol is appropriate for the particular event. If alcohol is to be made available:

A. The promotion of the event shall not be done in a manner that encourages excessive consumption of alcohol. Advertising should be limited to a single mention that alcohol is provided, i.e. "keg provided" or "cash bar."

B. The sponsoring organization shall act responsibly in determining the amount of alcohol to be provided.

C. Non-alcoholic drink alternatives and food shall be provided.

D. The sponsoring organization shall take appropriate measures to prevent the abuse of alcohol at the event.

# APPENDIX I: NORTH CAROLINA LAWS AND CITY ORDINANCES

*D.W.I.* (M) *G.S. 20-138.1 (a)*

Did Operate a Motor Vehicle While Subject to an Impairing Substance.

*NOTE.*- G.S. 20-139.1 (b5) Subsequent Tests Allowed. A person may be requested, pursuant to G.S. 20-16.2, to submit to a chemical analysis of the person's blood or other bodily fluid or substance in addition to or in lieu of a chemical analysis of the breath, in the discretion of the charging officer. If a subsequent chemical analysis is requested pursuant to this subsection, the person shall again be advised of the implied consent rights in accordance with G.S. 20-16.2(a). A person's willful refusal to submit to a chemical analysis of the blood or other bodily fluid or substance is a willful refusal under G. S. 20-16.2.

G.S. 20-1 6.2 (2) The person's driving privilege will be revoked immediately for at least 30 days if:

- a. The test reveals an alcohol concentration of 0.08 or more; or
- b. The person was driving a commercial motor vehicle and the test reveals an alcohol concentration of 0.04 or more; or
- c. The person is under 21 years of age and the test reveals any alcohol concentration.

(3) That if the person fails to comply fully with the test procedures, the officer may charge the person with any offense for which the officer has probable cause, and if the person is charged with an implied-consent offense, the person's refusal to submit to the testing required as a result of that charge would result in revocation of the person's driver's license. The results of the chemical analysis are admissible in evidence in any proceeding in which they are relevant.

Can Charge on PVA. Addition to; G.S. 15A-401 Allows for Warrantless Arrests for G.S. 20-138.1 & G.S. 20-138.2. This change allows arrest of a driver at the wreck scene even if the officer does not see the driving, which resulted in the collision.

*AID & ABET DWI* (M) *G.S. 20-138.1 (a)*

Aid and Abet (Driver's Name) in Driving under the influence of an impairing Substance by Allowing (Him) (Her) to Drive or Operate a Motor Vehicle.

*PROVISIONAL LICENSEE* (M) *G.S. 20-1 38.3*

- i. Did Operate a Motor Vehicle upon a [(Highway)(PVA)] While Consuming Alcohol) (While the Defendant Had Remaining in (His/Her) Body Alcohol Previously Consumed)] and the Defendant Was under Age 21.
- ii. Did Operate a Motor Vehicle upon a [(Highway)(PVA)] While the Defendant Had Remaining in (His/her) Blood a Controlled Substance Previously Consumed and the Defendant Was under Age 21.

**NOTE:** Provisional Licensee Is a Person under the Age of 21. Can Charge on PVA.

(a) Substance previously consumed, but a person less than 21 years old does not violate this section if he drives with a controlled sub-stance in his body which was lawfully obtained and taken in therapeutically appropriate amounts.

(b) Subject to Implied-Consent Law. An offense under this section is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-1 6.2.

G.S. 20-1 6.2 (2) The person's driving privilege will be revoked immediately for at least 30 days if:

a. The test reveals an alcohol concentration of 0.08 or more; or

a. The person was driving a commercial motor vehicle and the test reveals an alcohol concentration of 0.04 or more; or

c. The person is under 21 years of age and the test reveals any alcohol concentration.

(2) That if the person fails to comply fully with the test procedures, the officer may charge the person with any offense for which the officer has probable cause, and if the person is charged with an implied-consent offense, the person's refusal to submit to the testing required as a result of that charge would result in revocation of the person's driver's license. The results of the chemical analysis are admissible in evidence in any proceeding in which they are relevant.

(c) Odor Insufficient. The odor of an alcoholic beverage on the breath of the driver is insufficient evidence by itself to prove beyond a reasonable doubt that alcohol was remaining in the driver's body in violation of this section unless the driver was offered an alcohol screening test or chemical analysis and refused to provide all required samples of breath or blood for analysis.

*HABITUAL IMPAIRED DRIVING (FELONY)*

(G)

G.S. 20-1 38.6

While Subject to an impairing substance and within seven years of the date of this offense, has been convicted of three or more offenses involving impaired driving. The defendant has been previously convicted on (1) (Name Date of Conviction, Offense, and Court in Which Conviction Occurred); (2) (Name Date of Conviction, Offense, and Court in Which Conviction Occurred); (3) (Name Date of Conviction, Offense, and Court in Which Conviction Occurred).

NOTE: The misdemeanor offense of impaired driving, G.S. 20-138.1, is a lesser included offense. Do not charge the misdemeanor offense when charging habitual impaired driving.

*Sample Charge:* (Magistrate's Order, Arrest Warrant, Criminal Summons): Unlawfully, Willfully, and Feloniously did drive a vehicle on a highway or public vehicular area while subject to an impairing substance and within seven years of the date of this offense, has been convicted of three or more offenses involving impaired driving. The defendant has been previously convicted on (1) April 1, 1991; of impaired driving in Durham County District Court; (2) March 6, 1990, of impaired driving in Wake County Superior Court; (3) January 4, 1989, of impaired driving in Wayne County District Court.

*TRANSPORTING AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE (M)*  
*G.S. 20.138.7(a)*

I. Possess an open container of alcoholic beverage, (name beverage), in the passenger area of the motor vehicle while such vehicle was in motion.

ii. While ((Consuming an Alcoholic Beverage) (Having Alcohol Remains in the driver's Body)].

*POSSESSION OF AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE (I)*  
*G.S. 20-138.7(al)*

Possess an Open Container of Alcoholic Beverage in the Passenger Area of a Motor Vehicle.

ii. Consume an Alcoholic Beverage in the Passenger Area of a Motor Vehicle.

For Purposes of this Subsection (A1), Only the Person Who Possesses or Consumes an Alcoholic Beverage in Violation of this Subsection Shall Be Charged with this Offense.

Violation of Subsection (A1) of this section shall be an infraction and shall not be considered a moving violation for Purposes of G.S. 20-1 6(c). The law prohibiting passengers in a motor vehicle from possessing an Open Container of an alcoholic beverage in the passenger area of a motor vehicle expires on September 30, 2002 unless changed by the Legislature.

*NOTE: Cannot charge 7(a) or 7(al) open container on a PVA. Strike the words on the citation: Vehicle does not have to be in motion to charge Open Container. D.W.I. should always be considered if a driver is consuming on a PVA or an 18B violation. The Use of an Alcohol Screening Device is allowed. Any reading of more than 0.00 is sufficient to convict. The open container should be seized for evidence in court or at least disposed of and careful notes made of type and number of open containers. A driver can be arrested and an Intoxilyzer Test given. The odor of alcohol and an open container is insufficient to convict unless the driver is offered the alcohol screening and refuses. If there is a refusal, the odor plus refusal is sufficient. If the driver has been drinking, charging G.S. 20-138.7 is preferable to G.S. 18B-401(a). If the driver has not been drinking, Charge G.S. 18B-401(a) if applicable.*

A2) *Exception.* It shall not be a violation of Subsection (A1) of this section for a passenger to possess an alcoholic beverage other than in the unopened manufacturer's original container, or for a passenger to consume an alcoholic beverage, if the container is:

- (1) in the passenger area of a motor vehicle that is designed, maintained, or used primarily for the transportation of persons for compensation;
- (2) in the living quarters of a motor home or house car as defined in G.S. 20-4.01(27)d2.; or
- (3) in a house trailer as defined in G.S. 20-4.01(14).

(A3) *Meaning of Terms.* Under this section, the Term 'Motor Vehicle' means only those types of motor vehicles which North Carolina law requires to be registered, whether the motor vehicle is registered in North Carolina or another jurisdiction.

*G.S. 20-138.7(c) Odor Insufficient.* The odor of an alcoholic beverage on the breath of the driver is insufficient evidence to prove beyond a reasonable doubt that alcohol was remaining in the driver's body in violation of this section, unless the driver was offered an alcohol screening test or chemical analysis and refused to provide all required samples of breath or blood for analysis.

*(d) Alcohol Screening Test.* Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violating Subsection (A) of this section, and the results of an Alcohol Screening Test or the driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the Commission for Health Services, and the screening test is conducted in accordance with the applicable regulations of the commission as to the manner of its use.

*(f) Definitions.* If the seal on a container of alcoholic beverages has been broken, it is opened within the meaning of this section. For purposes of this section "Passenger Area of a Motor Vehicle" means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment. The area of the trunk or the area behind the last upright back seat of a station wagon, hatchback, or similar vehicle shall not be considered part of the passenger area. The term "Alcoholic Beverage" is as defined in: *G.S. 18B-1 01 (4)*.

\*\*\*A personal note concerning the open container law. There may be a conflict between the Chapter 20 and 18B open container and driver consuming laws on a PVA. After speaking with several law enforcement agencies concerning this conflict, the final conclusion is to charge the appropriate Chapter 20 or 18B statute and as always let the District or Appellate Courts figure out the intent of legislature. Please consult with your department's legal counsel for advice. \*\*\*

*DEATH BY VEHICLE (FELONY) (Class G) G.S. 20-141.4*

Did unintentionally cause the death of (Name Person) while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2, in that the defendant unlawfully and willfully did drive a vehicle on (Name Highway or PVA), a (Highway) (PVA), while subject to an impairing substance. The impaired driving offense was the proximate cause of the death.

*OPEN CONTAINER IN VEHICLE (M) G.S. 18B-401(a)*

Transport [(Fortified Wine) (Spirituous Liquor)] in the passenger area of a motor vehicle in other than the manufacturer's unopened original container.

*DRIVER CONSUMING (M) G.S. 18B-401 (a)*

Drive a motor vehicle on a ((Highway) (PVA)] while consuming in the passenger area of that vehicle a [(Malt Beverage) (Unfortified Wine) (Spirituous Liquor)].

*FORFEITURE OF MOTOR VEHICLE FOR IMPAIRED DRIVING AFTER IMPAIRED DRIVING LICENSE REVOCATION G.S. 20-28.2*

(a) Meaning of "Impaired Driving License Revocation." The revocation of a person's driver's license is an impaired driving license revocation if the revocation is pursuant to:

1. 20-13.2 Person under 21 driving after drinking,  
20-16(a)(8b) Impaired driving on a military base,  
20-1 6.2 Willful refusal,  
20-16.5 Pretrial civil revocation,  
20-1 7(a)(2) DWI or DWI in a commercial vehicle,  
20-1 7(a)(1 2) Second or subsequent conviction for transporting open container,  
20-17.2 Revocation as a probation condition in impaired driving case,  
20-138.5 Habitual impaired driving; or

2. 20-16(a)(7) Impaired driving conviction in another state,  
 20-1 7(a)(1) Involuntary manslaughter based on impaired driving,  
 20-1 7(a)(3) Any felony in the commission of which a motor vehicle is used.  
 20-1 7(a)(9) Death by vehicle based on impaired driving, if the offense involves impaired driving.  
 20-1 7(a)(I 1) Conviction of assault with a motor vehicle, if the offense involves impaired driving; or
2. The laws of another state and the offense for which the person's license is revoked prohibits substantially similar conduct which if committed in this state would result in a revocation listed in subdivisions (1) or (2).

(a1) Definitions. As used in this section and in G.S. 20-28.3, 20-28.4, 20-28.5, 20- 28.7, 20-28.8, and 20-28.9, the following terms mean:

(1) Acknowledgment. A written document acknowledging that:

- a. The motor vehicle was operated by a person charged with an offense involving impaired driving while that person's driver's license was revoked as a result of a prior impaired driver's license revocation;
- b. If the motor vehicle is again operated by this particular person, at any time while that person's driver's license is revoked, and the person is charged with an offense involving impaired driving, the motor vehicle is subject to impoundment and forfeiture; and
- c. A lack of knowledge or consent to the operation will not be a defense in the future, unless the motor vehicle owner has taken all reasonable precautions to prevent the use of the motor vehicle by this particular person and immediately reports, upon discovery, any unauthorized use to the appropriate law enforcement agency.

(1a) Fair Market Value. The value of the seized motor vehicle, as determined in accordance with the schedule of values adopted by the Commissioner pursuant to G.S. 105-187.3.

(2) Innocent Owner. A motor vehicle owner:

- a. Who did not know and had no reason to know that the defendant's driver's license was revoked;
- b. Who knew that the defendant's drivers license was revoked, but the defendant drove the vehicle without the person's expressed or implied permission;
- c. Whose vehicle was reported stolen;
- d. Who files a police report for unauthorized use of the motor vehicle and agrees to prosecute the unauthorized operator of the motor vehicle;
- e. Who is in the business of renting vehicles, the driver is not listed as an authorized driver on the rental contract; or
- f. Who is in the business of leasing motor vehicles, who holds legal title to the motor vehicle as a lessor at the time of seizure and who has no actual knowledge of the revocation of the lessee's driver's license at the time the lease is entered.

*Section 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.*

General city and county ordinances.

- a) Generally. Except as otherwise provided in this chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

- b) Consumption of Off-Premises Establishment. It shall be unlawful to consume, or for a permittee to allow the consumption of, malt beverages or unfortified wine on any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.
- c) Local Ordinance. A city or county may by ordinance:
  - (1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;
  - (2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and
  - (3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), a possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC law.

(Chgd. By L.1985, chap. 141, section 1; L.1995, chap. 144, sections 1,2. Eff. 6/1/95; cpa. 366, sections 1,2, eff. 7/1/95.)

*Section 18B-301. Possession and consumption of fortified wine and spirituous liquor.*

- a) Possession at home. It shall be lawful, without an ABC permit, for any person at least 21 years of age to possess for lawful purposes any amount of fortified wine and spirituous liquor at his home or a temporary residence, such as a hotel room.
- b) Possession on other property. It shall be lawful, without an ABC permit, for a person to possess for his personal use and the use of his guests not more than eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, at the following places:
  - 1) The residence of any other person with that person's consent;
  - 2) Any other property not primarily used for commercial purposes and not open to the public at the time the alcoholic beverage is possessed, if the owner or other person in charge of the property consents to that possession and consumption;
  - 3) An establishment with a brown-bagging permit as defined in G.S. 18B-1001(7).
- c) Special occasions. It shall be lawful for a person to possess, without a permit and not for sale, any amount of fortified wine or spirituous liquor for a private party, private reception, or private special occasion, at the following places:
  - 1) His home or a temporary residence, such as a hotel room;
  - 2) Any other property not primarily used for commercial purposes, which is under his exclusive control and supervision, and which is not open to the public during the event;
  - 3) The license premises of any business for which the Commission has issued a special occasions permit under G.S. 18B-1001(8), if he is the host of that private function and has the permission of the permittee;
- d) Consumption. It shall be lawful for a person to consume fortified wine and spirituous liquor in any place where it is lawful for him to possess those alcoholic beverages under subsections (a) through (c).
- e) Incident to Sale. It shall be lawful to possess fortified wine and spirituous liquor at any place, such as an ABC store, where possession is a necessary incident to lawful sale. Consumption at such a place shall be unlawful unless the establishment has a permit authorizing consumption on the premises as well as sale.
- f) Unlawful Possession or Use. As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:
  - 1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another person:
    - (a) On the premises of an ABC store, or

- (b) Upon any property used or occupied by a local board, or
- (c) On any public road, street, highway, or sidewalk.
- 2) Any person to display publicly at an athletic contest fortified wine, spirituous liquor, or mixed beverages;
- 3) Any person to permit any unfortified wine, spirituous liquor, or mixed beverages to be possessed or consumed upon any premises not authorized by this chapter;
- 4) Any person to possess or consume any fortified wine, spirituous liquor, or mixed beverages upon any premises where such possession or consumption is not authorized by law, or where the person has been forbidden to possess or consume that beverage by the owner or other person in charge of the premises;
- 5) Any person to possess on any of the premises described in subsections (a) through (c) a greater amount of fortified wine or spirituous liquor than authorized by this chapter;
- 6) Any permittee, other than a mixed beverage or culinary permittee, to possess spirituous liquor or mixed beverages on his licensed premises.
- 7) Any person to possess on his person or consume malt beverages or unfortified wine upon any property owned or leased by a local board of education and used by the local board of education for school purposes. Provided, however, the prohibition in G.S. 18B-102(a) and this subdivision shall not apply on property owned by a local board of education which was leased by 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of alderman, a county board of commissioners, or a local school board.

*Winston-Salem, NC  
City Ordinances*

**Sec. 38-6. Alcoholic beverages at city-owned or city-operated facilities—Consumption at park and recreation facilities generally.**

Unless otherwise provided in this code, it shall be unlawful for any person to drink wine, beer, or other alcoholic beverages, or to offer such a drink to another person, whether accepted or not, anywhere on the premises (including streets, drives and parking areas used in connection therewith) of any city-owned or city-operated swimming pool, recreation center, tennis court, recreation area, playground or park.

(Code 1975, 12-11)

**Sec. 38-7. Same—Sale by city at certain facilities; possession by persons entering facility.**

- a) *Sale of beer.* The provisions of section 38-9 to the contrary notwithstanding, it shall be unlawful for the city, upon receipt of an alcoholic beverage permit from the state, to sell beer for consumption on-premises, when offered in conjunction with food and beverage concessions operated by the Fairgrounds, Lawrence Joel Memorial Coliseum, Memorial Coliseum, the Coliseum Annex, Benton Convention Center, city-operated golf courses, and Bowman Gray Stadium.
- b) *Sale of alcoholic beverages.* The provisions of section 38-9 to the contrary notwithstanding, it shall be unlawful for the city, upon receipt of an alcoholic beverage permit from the state, to sell alcoholic beverages for consumption on-premises, when offered in conjunction with food and beverage concessions operated by the Fairgrounds, Lawrence Joel Memorial Coliseum, Memorial Coliseum, the Coliseum Annex, and Benton Convention Center.
- c) *Possession by persons entering facility.* Admittance to any event at a city-owned facility by any person (attendee or sponsor) with alcoholic beverages in their possession shall be unlawful, except when authorized by a special occasion or brown bagging permit issued by the state.
- d) *Sale and consumption prohibited at certain events.* Beer and other alcoholic beverages shall not be sold or consumed at events involving underage amateur participants (as defined in G.S. 18B-120).

Code 1975, 12-12)

Sec. 38-8. Same—Sale or service at Fairgrounds, Winston Square Park and Wayne A. Corpening Plaza; Corpening Plaza; service during special events.

- a) *Fairgrounds*. It shall be lawful in a leased event at the Fairgrounds for the lessee to serve or sell alcoholic beverages in areas designated in the lease. Any legally required licenses or permits shall be obtained by the lessee, and the lessee will be responsible for maintaining decorum and order and leaving the premises in a clean condition.
- b) *Winston-Salem Park and Wayne A. Corpening Plaza*. It shall be lawful for the city, the operator or a renter for a scheduled event to provide or to provide for the serving of beer or wine at the Winston Square Park or the Wayne A. Corpening Plaza, either with or without charge being made therefore; provided all applicable health and ABC laws are complied with; and further provided that the contents of beer bottles or cans or wine bottles shall be poured into appropriate cups or glasses and all empty bottles or cans shall be handled and stored in such a manner as not to be broken or left in the park or plaza area.
- c) *Service at other premises during special events*. It shall be lawful for the city, the operator or a renter during a special event to provide or to provide for the serving of beer or wine on city property designated by the board of aldermen by resolution, either with or without charge being made therefore; provided all applicable health and ABC laws are complied with; and provided further that the contents of beer bottles or cans shall be poured into appropriate cups or glasses, and all empty bottles or cans shall be handled and stored in such a manner as not to be broken or left on the city property.

(Code 1975, 12-12.1)

Section 38-9. Consumption or possession of malt beverages and unfortified wine on public streets, alleys and parking lots.

- a) *Prohibited*. Subject to the specific provisions of this chapter to the contrary and to permission otherwise granted by the board of aldermen, it shall be unlawful:
  - 1) For any person to consume malt beverages or unfortified wine on property owned, occupied or controlled by the city, or for any person who is not an occupant of a motor vehicle to consume malt beverages or unfortified wine on public streets.
  - 2) For any person to possess open containers of malt beverages or unfortified wine on property owned, occupied or controlled by the city, or for any person who is not an occupant of a motor vehicle to possess open containers of malt beverages or unfortified wine on public streets,
  - 3) For any person to possess malt beverages or unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- b) *Discarding containers*. It shall be unlawful for any person to discard or deposit any malt beverage or wine (fortified or unfortified) container in any public place, or upon any public street, or upon the private premises of another, without permission of the owner or person entitled to possession of such premises.

(Code 1975, 12-13).

## **APPENDIX J: OTHER LAW ENFORCEMENT AUTHORITY**

### *Section 18B-501. Local ABC officers:*

- a) **Appointment.** Except as provided in subsection (f), each local board shall hire one or more ABC enforcement officers. Local ABC enforcement officers shall be designated as “ABC Officers.” The local board may designate one officer as the chief ABC officer for that board.
- b) **Subject Matter Jurisdiction.** After taking the oath prescribed for a peace officer, a local ABC officer may arrest and take other investigatory and enforcement actions for any criminal offense; however, the primary responsibility of a local ABC officer is enforcement of the ABC laws and Article 5 of Chapter 90 (The Controlled Substances Act).
- c) **Territorial Jurisdiction.** A local ABC officer has jurisdiction anywhere in the county in which he is employed except that a city ABC officer’s territorial jurisdiction is subject to any limitation included in any local act governing the city ABC system. A local ABC officer may pursue outside his normal territorial jurisdiction anyone who commits an offense within that jurisdiction, as provided in G.S. 15A-402(d).
- d) **Assisting Other Local Agencies:** The local ABC officers employed by a local board shall constitute a “law-enforcement agency” for purposes of G.S. 160A-288, and a local board shall have the same authority as a city or county governing body to approve cooperation between law-enforcement agencies under that section.
- e) **Assisting State and Federal Enforcement.** A local ABC officer may assist state and federal law-enforcement agencies in the investigation of criminal offenses in North Carolina, under the following conditions:
  - (1) The local board employing the officer has adopted a resolution approving such assistance and stating the conditions under which it may be provided;
  - (2) The state or federal agency has made a written request for assistance from that local board, either for a particular investigation or for any investigation that might require assistance within a certain period of time;
  - (3) The local ABC officer is supervised by someone in the requesting agency; and
  - (4) As soon as practical after the assistance begins, an acknowledgment of the action is placed in the records of the local board.

A local ABC officer shall have territorial jurisdiction throughout North Carolina while assisting a state or federal agency under this section. While providing that assistance, the officer shall continue to be considered an employee of the local board for purposes of salary, worker’s compensation, and other benefits, unless a different arrangement is negotiated between the local board and the requesting agency.

- f) **Contracts with Other Agencies.** Instead of hiring local ABC officers, a local board may contract to pay its enforcement funds to a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would have. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement.
- g) **Discharge.** Local ABC officers are subject to the discharge provisions of G.S. 18B-202.

*Section 18B-500. Alcohol law-enforcement agents.*

- a) **Appointment.** The Secretary of Crime Control and Public Safety shall appoint alcohol law-enforcement agents and other enforcement personnel. The Secretary of Crime Control and Public Safety may also appoint regular employees of the Commission as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as "alcohol law-enforcement agents."
- b) **Subject Matter Jurisdiction:** After taking the oath prescribed for a peace officer, an alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal offense. The primary responsibility of an agent shall be enforcement of the ABC laws and Article 5 of Chapter 90 (The Controlled Substances Act); however, an agent may perform any law-enforcement duty assigned by the Secretary of Crime Control and Public Safety or the Governor.
- c) **Territorial Jurisdiction.** An alcohol law-enforcement agent is a state officer with jurisdiction throughout the state.
- d) **Service of Commission Orders.** Alcohol law-enforcement agents may serve and executive notices, orders, or demands issued by the Commission for the surrender of permits or relating to any administrative proceeding. While serving and executing such notices, orders, or demands, alcohol law-enforcement agents shall have all the power and authority possessed by law-enforcement officers when executing an arrest warrant.
- e) **Discharge.** Alcohol law-enforcement agents are subject to the discharge provisions of G.S. 18B-202.
- f) (Repealed by L.1995, chap. 507, section 6.2(a), eff. 7/1/95.)