



# Oakland University

## Administrative Policies and Procedures

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**SUBJECT:** SERVICE AND SALE OF ALCOHOLIC BEVERAGES ON CAMPUS

**NUMBER:** 400

**AUTHORIZING BODY:** BOARD OF TRUSTEES

**RESPONSIBLE OFFICE:** GENERAL COUNSEL'S OFFICE

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**RATIONALE:** The sale, service, and consumption of alcoholic beverages (1) on the Oakland University campus, and (2) at off-campus University-sponsored events, is governed by Michigan law, Oakland University Ordinance, and Oakland University Board of Trustees Policy. The following is a summary of those documents. Specific questions should be directed to the Office of the Board of Trustees. This policy was first adopted on January 16, 1985 and was amended on May 15, 2002.

### **POLICY:**

#### **I. Service of alcoholic beverages at Meadow Brook Hall, Shotwell-Gustafson Pavilion and Katke-Cousins Golf Course.**

- A. The Michigan Liquor Control Commission has granted a Class C conference center liquor license to Oakland University in the name of the Board of Trustees for use at Meadow Brook Hall, the Shotwell-Gustafson Pavilion and Katke Cousins Golf Course, including Danny's Cabin and the Clubhouse ("Locations"). This license permits the service and sale of alcoholic beverages at regularly scheduled activities at these Locations.
- B. All alcoholic beverages served at the Locations must be purchased from the Hall.
- C. Organizations or individuals desiring to serve or sell alcoholic beverages on campus are encouraged to schedule their activities at the Hall or Pavilion.

#### **II. Service of alcoholic beverages at the Meadow Brook Music Festival grounds.**

Alcoholic beverage may be sold and served at the Meadow Brook Music Festival grounds at regularly scheduled events in accordance with the Michigan Liquor Control Commission license granted for that purpose.

### **III. Service of alcoholic beverages at other campus locations.**

- A. The University recognizes the occasional need to permit the limited service or sale of alcoholic beverages, in conjunction with programs, at locations other than the Locations mentioned above, in accordance with the law. State law permits the issuance of a special (24) license by the Liquor Control Commission for the consumption of alcoholic beverages on State property when the license is approved by the governing body of the State property involved. The rules and regulations of the Michigan Liquor Control Act provide that five special (24 hour) liquor licenses may be issued to a nonprofit, religious, fraternal, civic or patriotic organization during a calendar year. The Board of Trustees, therefore, authorizes limited service and sale of alcoholic beverages in accordance with the law, under the following conditions:

Oakland University may be entitled under the law to five (5) special (24 hour) licenses per calendar year. A request for use of a special license in the name of the University shall be made to the vice president involved and must receive the approval of that vice president and of the President or the University ("President"), and comply with the requirements of this policy.

The Oakland University Foundation may be entitled under the law to five special (24 hour) licenses per year, and, as a separate legal entity, may independently apply for special licenses. The Foundation may designate a University official to apply for a special license on behalf of the Foundation. When a license is granted in the name of the Foundation, the Foundation should obtain liquor event insurance. In any case involving the use of University property, the application must have the approval of the President.

The Meadow Brook Performing Arts Company, as a separate legal entity, may be entitled under the law to five special (24 hour) licenses per calendar year. The Company may request University authorization to serve or sell alcoholic beverages at five events during the year. The Meadow Brook Performing Arts Company must receive the approval of the President before applying for any license.

Certain other on-campus and off-campus entities that are legally separate from the University may be eligible under the law to be issued a special license by the Liquor Control Commission. Upon written request, the President may approve holding such an event on University property when the President deems such approval to contribute to the advancement of the University's principal business. The approval shall be in writing, shall be explicitly subject to this policy, and delivery of the approval shall be accompanied by a copy of this policy. The approval shall be contingent upon (1) the issuance of a special license, and (2) the provision of evidence of insurance satisfactory to the University's risk manager covering alcohol service at the event.

In approving any event request, the President shall approve the event Location, and alcohol service shall be strictly limited to that location.

- B. In order to comply with the law and maintain the integrity of the institution, it has been determined that special (24 hour) licenses should be limited as set forth above. The University shall not be responsible for any action of the Liquor Control Commission to deny any application for a license.

#### **IV. Procedures regarding special (24 hour) licenses.**

- A. After an organization receives University approval to serve or sell alcoholic beverages, a special (24 hour) liquor license must be obtained from the Michigan Liquor Control Commission.
- B. Persons or organizations making application for special liquor licenses are responsible for obtaining all necessary approvals, posting all required bonds, and paying all required license fees associated with the issuance of special liquor licenses.
- C. All alcoholic beverages served or sold on campus pursuant to the issuance of a special liquor license must be purchased in accordance with the law.
- D. Each organization receiving approval of a special license must comply with State law and all University rules and regulations.

#### **V. Private residences on campus.**

The prohibitions set forth above on the service of alcoholic beverages shall not prohibit the lawful possession and use of such beverages (1) in the private areas of University housing facilities including rooms, suites, apartments, and the private lounge provided to Meadow Brook Theatre actors as part of their residence arrangement; and (2) in private homes and on residential leaseholds. This provision does not permit the sale of alcoholic beverages in these areas.

#### **VI. Service or sale of alcoholic beverages off-campus**

The service or sale of alcoholic beverages at an off-campus University-sponsored activity is prohibited unless the activity is conducted in accordance with the law. If the activity is not to occur at a regularly-licensed facility, the written approval of the President, or a designee, is required prior to conducting the activity. If the activity is not to occur at a regularly-licensed facility, and there is to be a charge for the activity or for alcohol service, then a special (24 hour) license is required in accordance with the provisions of this policy, and the approval of the President shall be contingent upon issuance of a license.

#### **VII. Duration of policy.**

- A. This policy is revocable at any time at the discretion of the Board of Trustees. The Board authorizes the President to suspend the operation of this policy if the President determines that it is necessary in order to protect the institution from liability. Those events approved prior to the revocation or suspension action, and not made specifically subject to the revocation or suspension provisions, may be conducted in accordance with this policy and the law. During the period of revocation or suspension, no additional licenses will be

authorized. All suspensions will be reported to the Board along with the rationale for the action at the next regularly scheduled meeting following the suspension.

- B. The Board or the President has the authority to revoke any previously authorized licensed event prior to its occupancy, even if a license is granted by the Liquor Control Commission, if in the opinion of the Board or the President the event will not be conducted in accordance with the rules and regulations of the University, or the law, or if such event could create potential liability to the institution.
- C. All authorizations will be issued subject to the conditions set forth in paragraphs A and B in order to place the parties on notice of the reservation of these rights by the University. The authorization will include a condition that provides that the University will not be held responsible for any costs incurred under these provisions when the Board or the President is acting in the interest of the University.
- D. Annual reports will be made to the Board regarding the activities authorized under this policy.

### **VIII. Delegation of Approval Authority.**

- A. The President may designate in writing another person to act under this policy. In the event of the President's absence or incapacitation, the person generally acting in the President's stead shall be deemed to have approval authority.

Unlawful Use of Alcoholic Beverages. The following provisions govern the general possession, consumption, and distribution of alcoholic beverages on the campus. Additional rules and regulations which are not inconsistent with these provisions may be promulgated by the President or a designee, or the President may restrict the use of alcoholic beverages on campus as the President deems to be in the best interest of the safety and welfare of the university community.

1. A person who is less than 21 years of age shall not possess or consume any alcoholic beverage on the campus.
2. No person shall provide any alcoholic beverage to another person on campus who is less than 21 years of age.
3. No person shall consume, possess, or distribute any alcoholic beverage on the campus except as established by this section. The lawful possession and lawful and responsible use of alcoholic beverages shall be permitted:
  - a. in private homes and leaseholds on campus;
  - b. in private areas of university housing facilities including rooms, suites, apartments, and the private lounge provided to Meadow Brook Theatre actors as part of their residence arrangement;
  - c. during scheduled and university-approved activities at campus facilities that are regularly licensed for alcoholic beverage use, under the rules applicable

to those facilities;

- d. during activities at another location when the President or the President's designee specifically approves in writing alcoholic beverage use at the activity, and when a special liquor license is in effect at the location.

The use of alcoholic beverages shall not be deemed to be responsible if it causes material impairment of the senses, judgment or physical abilities of the user or if it causes the user to create a disturbance which interferes with the normal and uninterrupted use of the campus.

4. It shall be a misdemeanor for a person to be intoxicated on the campus and acting in a manner that endangers directly the health or safety of another person or property or causes a disturbance which interferes with the normal uninterrupted use of the campus.

### **Paying for Alcoholic Beverages from University Accounts**

Alcoholic beverages may not be charged to university general fund accounts. On occasion it may be appropriate to serve alcoholic beverages when entertaining university guests or when hosting a university related group activity. In such instances a general fund account may not be charged; only other (e.g. designated) funds may be used. Approval of the expense must be obtained from a member of the Executive group (or another person so authorized by the President). The ban applies to non-general fund accounts which preclude such expenditures because of donor or grant restrictions; and to events which receive direct general fund support. This policy is applicable to both on-campus and off-campus activities.

Authorized purchases of alcoholic beverages may be reimbursed by use of direct payment vouchers; however, purchases over \$100 must be initiated by submitting a purchase requisition to the Purchasing Department.

### **SCOPE AND APPLICABILITY:**

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