

1.05 - ALCOHOL, TOBACCO, AND CONTROLLED SUBSTANCES

Effective: XXXXX, 2025

Purpose: To establish clear guidelines and regulations regarding the possession, consumption, sale, and distribution of alcohol, tobacco, and controlled substances on campus. These policies aim to promote a safe, healthy, and respectful environment for students, faculty, staff, guests, and visitors that is in accordance with Kansas law and the policies of the Kansas Board of Regents.

Scope: This policy applies to all University students, employees, visitors, and third-party entities on campus property, in University vehicles, and at University sponsored events.

Responsible Office: General University; President's Office

Policy Statement:

ALCOHOL

Emporia State University permits the consumption, service, and sale of alcoholic beverages on campus subject to specific guidelines. Consumption and possession of alcoholic beverages is generally permitted in designated non-classroom areas unless otherwise indicated by state law or University or KBOR policies.

The University expects that all laws applicable to alcohol service and consumption shall be complied with at all University events and on all University controlled or owned property, including but not limited to the restriction that only persons twenty-one (21) years old and older are permitted to consume alcohol. Failure to abide by applicable laws or this policy will result in the loss of the privileges provided by this policy, and potential citations for violations of all applicable laws.

Alcohol shall not be possessed or consumed in or on University owned, leased, or chartered vehicles except as authorized by the President.

At times, certain areas on campus may be designated as areas where the possession or consumption of alcohol is permitted.

Responsible Use and Conduct

Individuals consuming alcohol on campus are expected to do so responsibly and in a manner that does not disrupt University operations or community well-being.

The University reserves the right to deny or revoke alcohol privileges if an event or individual violates University policies or applicable laws.

Excessive alcohol consumption, binge drinking, or any behavior that endangers the safety of individuals is not condoned by the University and is prohibited. Any University unit, affiliate, corporation, or auxiliary enterprise reserves the right to intervene, control, prohibit, or stop any event or activity it deems unlawful or hazardous to the health, safety, or security of its students, patrons, or clients, or may cause damage to the building or premises.

Alcohol Sales

The sale of alcohol on University property is permitted only through licensed vendors who comply with Kansas law and regulations.

University units, student organizations, or external entities may not sell alcohol directly but may coordinate with properly licensed vendors for events.

Events where alcohol is being sold must implement responsible beverage service practices, including ID verification and limiting overconsumption.

When alcohol is sold or served as part of an event on campus, the person or organization desiring to sell or serve such alcohol shall follow the established procedures to ensure that Conference and Scheduling is notified at least fourteen (14) days prior to the event.

All non-University events at which alcohol is served:

- May be assessed an additional charge.
- May be required to pay for security staff for the duration of the event with the number of security personnel to be determined by the Chief of ESU Police.
- May be required to pay a refundable deposit of \$250.00 to cover the costs of any damages or clean-up beyond that of normal use.

Athletic Events

Alcohol sold in Welch Stadium and in Trusler Sports Complex shall be sold at their concession locations by a University-approved third-party food service vendor that is a licensed seller of alcoholic beverages.

The following conditions apply to the sale of alcohol at University athletic events:

- Alcohol must be purchased only from an authorized third-party food service vendor.
- Alcohol cannot be brought into the stadiums and cannot be carried out of the stadiums.
- Alcohol sales will begin when concession sales begin at each athletic event. Alcohol sales at football games will end at the end of the third quarter. Alcohol sales at baseball and softball games will end at the end of the 6th inning.
- Any advertising involving alcoholic beverages will be handled by the Athletic Department pursuant to existing advertising procedures.
- An individual can be refused the sale of alcohol, for reasons including but not limited to:

- The individual is below the age of 21;
- It can not be verified that the individual is at least 21 years of age;
- The individual appears to be intoxicated; OR
- The individual is acting inappropriately or being unruly or disruptive.

Individuals acting inappropriately, or who appear to be intoxicated, or who are intoxicated, may be removed from the stadium by security and/or University Police and Safety. Additional action may be taken based on the circumstances of an individual situation.

Enforcement and Sanctions

Violations of this policy by students will be handled in accordance with the University Student Code of Conduct.

Employees found in violation of this policy may face disciplinary action per University employment policies.

Visitors or external entities found in violation of this policy may be subject to removal from University property or events. Depending on the circumstances a No Trespass Order (NTO) may be issued preventing the individual from returning to the University property or events.

TOBACCO

The University prohibits the use of tobacco on campus. Tobacco use in university vehicles is prohibited, regardless of location. The following exceptions, which require prior approval, may exist:

- Tobacco use may be allowed on campus property for a medical, scientific, or research program, provided that tobacco use is an integral part of such program and the appropriate campus research oversight body has approved the inclusion of tobacco in the program pursuant to the applicable procedures for such medical, scientific, or research program.
- Permission to use tobacco may be authorized for educational, theatrical, or religious ceremonial purposes by either the Vice President of Academic Affairs or the University President.
- The President of the University may grant permission to use tobacco in exceptional circumstances.

The sale, advertising, or distribution of tobacco products and tobacco related items in all University facilities, University owned or operated residence halls, or all University owned or leased grounds is prohibited.

CONTROLLED SUBSTANCES

The University prohibits the unlawful manufacturing, distribution, possession, or use of controlled substances on University property by any person or organization. As a condition of employment, employees are required to notify the University of any drug-related

convictions no later than five (5) days after such conviction. Violations may result in disciplinary action, up to and including termination.

Any officer or employee of the University, including student employees, found to be illegally manufacturing, distributing, dispensing, possessing or using controlled substances on University property, or property controlled by the University, regardless of the location, shall be subject to disciplinary action in accordance with applicable policies of the State of Kansas, the Board of Regents, and the University.

Violations of this policy may result in an employment action up to and including termination.

Definitions: All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in University or Board of Regents policy or by statute or regulation.

Alcohol – Includes “alcoholic liquor” and “cereal malt beverages” as defined by K.S.A. 41-102

Controlled Substances – those substances included in Schedules I through V of section 202 of the Controlled Substances Act and as further defined by regulation 21 CFR 1300.11 through 1300.15 (a listing of controlled substances is maintained in Human Resources). The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Conviction – means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Non-Classroom Areas – Spaces within University property that are primarily intended for purposes other than scheduled instructional activities. These areas may include, but are not limited to, conference rooms, auditoriums, multipurpose rooms, lounges, common areas, event spaces, and outdoor facilities. Additionally, any space designated for classroom use may be considered a “Non-Classroom Area” during times when it is not being utilized for scheduled educational or instructional purposes.

Smoking – Lighting, burning, or use of tobacco in addition to any other material mentioned previously.

Tobacco – any product derived from, smoked, or containing products of tobacco. This includes, but is not limited to cigarettes (cloves, bidis, kreteks), chewing tobacco (spit, spitless, smokeless, chew, snuff, and snus), cigars and cigarillos, hookah and hookah-smoked products, pipes, blunts, smokeless tobacco, and similar products. Electronic cigarettes or e- cigarettes and any products simulating the previously mentioned products.

Procedures: All procedures linked and related to the policies above shall have the full force and effect of policy if said procedures have first been properly approved by the University's administrator in charge of General University procedures.

[Hyperlink to General University procedures]

Related Policy Information: More information including campus maps can be found at <http://www.emporia.edu/campus-map/>.

Kansas Liquor Laws – K.S.A. Chapter 41

History: Adopted: 07/01/1994 [Approved by President and included in UPM as Policy 3R.02]
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Revised: XX/XX/2025 [Policy 1.05 modified in regard to alcohol restrictions on campus]