UNIVERSITY OF THE DISTRICT OF COLUMBIA
BOARD OF TRUSTEES

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a) and 38-1202.06(3),(13) (2001 & 2011 Supp.) hereby amends chapter 6 (Campus Life) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), as follows, effective upon publication of this notice in the D.C. Register. The purpose of the proposed rule is to establish an alcohol policy in compliance with the Higher Education Act, Campus Safety Act and other federal and local laws.

The substance of the rules adopted herein was published in the D.C. Register on November 18, 2011, at 58 DCR 9877 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2011 Supp.). No public comments were received by the Board within the public comment period and no substantive changes were made to the rules since published as proposed. The Board adopted the rules as final on January 18, 2012. The rules shall go into effect upon publication of this notice in the D.C. Register.

Chapter 6, CAMPUS LIFE, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, of the DCMR is amended as follows:

Section 616 is added to read as follows:

616 ALCOHOL AND DRUG POLICY

616.1 For the purpose of this section, the following terms and phrases shall have the meanings ascribed:

(a) University- the University of the District of Columbia, the Community College of the District of Columbia, the David A. Clarke School of Law, and all affiliates, divisions, and programs;

(b) Student- any person currently enrolled at the University for whom the University maintains records as defined by the Family and Educational Rights and Privacy Act (FERPA) and all related regulations;

(c) Student Organization- any group of students who have complied with the University requirements for registration and are formally recognized by the University;

(d) University Property- includes all buildings and spaces owned or leased by the University, including but not limited to; buildings or grounds in
which students reside and in which University food service facilities are located; or any property which is used by the University regardless of physical location; and

(e) University Event - any event or activity, whether on campus or off campus, which uses the name of the University explicitly, in which the University is mentioned or affiliated with, or to which the University is a sponsor or participant.

616.2 This section applies to all University faculty, staff, students, and visitors. This section is applicable to all University events, and all events which take place on University property, where alcoholic beverages are consumed or served. Failure to comply with any provisions of this section is a violation of University policy and any person violating these regulations is subject to University disciplinary measures and/or may be subject to prosecution by law enforcement authorities.

616.3 Individuals who engage in prohibited alcohol and drug behavior may be subject to disciplinary action and/or criminal prosecution under applicable law.

616.4 The unlawful possession, misuse, abuse and/or excessive consumption of alcoholic beverages or illegal drugs by students and employees on University Property or as part of any University event is strictly prohibited.

616.5 Students violating standards of conduct will be subject to sanctions consistent with local and federal law and University procedures, up to and including expulsion and/or referral for prosecution for violations of standards of conduct.

616.6 Employees violating standards of conduct will be subject to sanctions consistent with local and federal law and University procedures up to and including termination of employment and/or referral for prosecution for violations of standards of conduct.

616.7 Consumption of alcoholic beverages on University Property and/or University Events shall be by persons of the legal age of twenty-one (21) years or older. Under D.C. Law (D.C. Official Code § 25-1002 (2001 & 2011 Supp.)) it is unlawful for any person under the age of twenty-one (21) to purchase, possess, or consume alcoholic beverages. Consequently, it is unlawful for any person under the age of twenty-one (21) to purchase, possess, or consume alcohol while on University property or as part of any University event.

616.8 Engaging in drinking games, drinking contests, possession of kegs, “party-balls,” “beer bongs,” or other similar common-source containers, whether or not alcoholic beverages are present in such containers are expressly prohibited on University property.
Possession, distribution, and consumption of alcoholic beverages is prohibited on University property in which students reside, including on-campus and off-campus housing.

Consumption of alcohol on University property or at University events shall be allowed only with prior approval by appropriate University officials as indicated in the University guidelines.

The sale of alcoholic beverages on University property shall be strictly limited to approved locations with special permission from the Office of the President. All sales shall take place only during University events.

A temporary District of Columbia Alcoholic Beverage Control Board Class F license must be obtained if alcoholic beverages are being sold. For these activities, University approval will not be granted until a license is obtained. Sponsoring groups must adhere to all University policies and state and local laws.

In accordance with the educational philosophy of University of the District of Columbia and to maintain an environment conducive to reasonable study and living conditions, alcoholic beverages and related paraphernalia are prohibited in all University sponsored housing facilities. No students, faculty, or staff are permitted to store, consume, or possess alcoholic beverages or containers in University sponsored housing facilities and surrounding areas, including common areas (such as the main lounges, laundry rooms, study lounges, and workout room), pool area, courtyards, parking lots, stairs, and elevators.

The University shall develop guidelines for alcohol use consistent with University policy, and applicable local and federal laws, and regulations.

The University maintains the right to forward possible violations of federal or state laws, local ordinances, and University regulations, to the proper authorities through the University Office of Public Safety.

All documented violations of these regulations shall be referred to the cognizant Vice President for appropriate disciplinary action.

Student organizations that are determined to have violated this Section may face revocation of the organization’s eligibility to sponsor activities on University premises and/or revocation of the organization’s official registration.

Individual student members of the sponsoring group(s) or organization(s) may be charged and sanctioned in accordance with procedures set forth in the “Code of Student Conduct.”
Faculty and staff that are determined to have violated this policy may be referred for disciplinary action as set forth by all applicable University policies and procedures, including labor agreements.

Federal laws, District of Columbia laws, and University policy prohibit the unlawful use, manufacture, possession, distribution, or sale of any illegal narcotics, hallucinogens, dangerous drugs, or controlled substances on University property or at University events unless permitted by prescription or law. Failure to comply with applicable laws and/or policies may result in disciplinary action and/or criminal prosecution under applicable law.

In the event of a medical emergency, local authorities must be notified immediately. To ensure the safety of the University community and encourage compliance with this policy, the University may opt to offer amnesty from punishment under the Student Code of Conduct. Such amnesty will be applied as follows:

(a) A person who receives emergency medical attention for alcohol consumption, or seeks assistance for someone in an alcohol-related emergency, will be required to attend an alcohol education program but will not be charged with violations of University alcohol-related policies under the Student Code of Conduct. No one may receive amnesty under this provision more than once;

(b) A representative of an organization holding an event is required to promptly seek medical assistance in an alcohol-related emergency; and

(c) Persons receiving amnesty under this provision are not exempt from arrest or criminal prosecution for violating alcohol or drug-related laws.