

Alcoholic Beverages

References: *Business & Professions Code §§24045.4, 24045.6, 25608 & 25658;
34 Code of Federal Regulations Section 668.46(b)*

The possession, sale, consumption or the furnishing of alcohol on any facility owned or operated by Southwestern Community College District is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the Campus Police Department.

The College District has been designated “drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Police Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by any person in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior College District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the College District.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the Governing Board or the Superintendent/President.
- A student at least 18 years of age tastes, but does not swallow or consume, beer or wine for educational purposes as part of the instruction in an enology or brewing degree program, and the beer or wine remains in the control of the instructor.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on College District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is wine that is for use during an event sponsored by the College District or an organization operated for the benefit of the College District in connection with the College District’s instructional program in viticulture or the College District’s instructional program in enology.
- The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained for special events held at the facilities of the

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College District during the special event. "Special event" means events that are held with the permission of the Governing Board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.

- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the College District or an organization operated for the benefit of the College District at a College District-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
- The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained a license under the Business and Professions Code to do so, provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.

Approval Procedures

If it has been determined that the use of alcoholic beverages is appropriate and desirable at an event, the organization or individual sponsoring the event must thoroughly review this procedure and determine the actions that must be taken to insure compliance with applicable local, state and federal law, applicable College District policies and procedures including obtaining the appropriate licenses and permits..

The organization or individual sponsoring an event where alcohol will be served must first obtain the approval of the Superintendent/President and/or Governing Board as prescribed in this procedure for the proposed event.. The event sponsor must complete a Request for Use of Alcoholic Beverages Form (Exhibit A) to specify:

1. The name and type of the organization sponsoring the event;
2. The name and contact information for the one person who will be responsible for the event (Person In Charge), who must be 21 years of age or older and be in attendance during the entire period of the event;
3. Type of Event;
4. Composition of Group
5. Location and Hours of the Event (Permission to serve alcoholic beverages at an event during the work week before 4:00 p.m. will ordinarily not be approved);
6. Kind, amount and method of alcohol service;
7. Proper Alcoholic Beverage Control license or permit must be obtained;
8. That all applicable laws and guidelines will be followed; and

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9. For off-campus groups, that proof of insurance along with the additional endorsed certification will be provided.
10. Indemnification and hold harmless certification.

The event sponsor must submit a completed Request for Use of Alcoholic Beverages Form to the Office of the Superintendent/President AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT OR SIX (6) WEEKS PRIOR IF BOARD OF TRUSTEES APPROVAL IS REQUIRED. Each of the following College District officials must also approve the event and sign the Request of Use of Alcoholic Beverages Form:

1. For academic or administrative units: Departmental Dean or Director and Vice President
2. For auxiliary organizations and off-campus groups: Director of Facilities, Operations and Planning and Vice President of Business and Financial Affairs.

The Civic Center and Facilities Use Office shall be the office of record for filing the original, completed and approved Request for Use of Alcoholic Beverages Form. A copy shall be sent to the Director of Facilities, Operations and Planning. A copy shall also be sent to the organization or individual sponsoring the event, who must make it available at the event for inspection by any appropriate College District official.

The event sponsor must obtain approval of the event and confirmation of facility use in accordance with applicable College District procedures for use of facilities (see Procedure No. 6700 AP - Civic Center and Use of Facilities).

Alcohol may not be purchased with College District funds. Non-College-District funds held in Foundation accounts may, at the discretion of the Foundation, be used. All purchases of alcoholic beverages, whether for on-campus or off-campus events, must be made through Foundation check-request forms and approved by the appropriate College District administrator and Foundation representative.

All College District-sponsored events held off campus shall comply with Policy No. 3560 BP - Alcoholic Beverages and this procedure.

Contact: Civic Center and Facilities Use Office at 619-482-6319

Exhibit A

Request for Use of Alcoholic Beverages Form (including Conditions Which Govern Use of Alcoholic Beverages)



Southwestern Community College District Request for Use of Alcoholic Beverages Form

INSTRUCTIONS

- Review the District Board Policy and Administrative Procedure 3560 Alcoholic Beverages prior to initiating this request.
- This form must be submitted to the appropriate approving official **at least four (4) weeks prior to the date of the event or six (6) week prior if board of trustees approval is required.**

EVENT INFORMATION

Event Sponsor: _____ Phone: _____
Type of Organization: ☐ College Department ☐ College Auxiliary Organization ☐ Off Campus Group
☐ Profit ☐ Non-Profit
Person In Charge of Event: _____ Phone: _____
Event Title: _____
Event Purpose and Objectives: _____
Event Day and Date: _____ Event Hours: _____
Event Location: _____ Estimated Attendance: _____
Including: ☐ Students ☐ Faculty ☐ Staff ☐ Other: _____
Name of entity to which the department of Alcoholic Control (ABC License) will be issued for this event: _____

A copy of this license must be provided to Civic Center and Facilities Leasing office prior to the Event date.

ALCOHOL TO BE SERVED

Alcoholic beverages to be served: ☐ Wine ☐ Beer
Alcoholic beverages will be provided: ☐ No Cost ☐ For Sale
Time that alcoholic beverages will be served during the Event: Begin: _____ End: _____
(may not exceed 3 hours):

Will alcoholic beverages be served by individuals with formal training concerning the responsible service of alcohol?

☐ YES ☐ NO

If not, explain the measures that will be taken to insure that alcohol is consumed only in accordance with District policy:

Describe non-alcoholic beverages and food to be offered at the event.

Additional Information, if any:

CERTIFICATION -1. The sponsoring organization and individuals as representatives, agents or officers of the sponsoring organization should be cognizant of vicarious liability and the consequences to the organization or individual should a vicarious liability civil suit be filed against the organization or individual when a person attending their event and consuming alcoholic beverages is involved in an accident resulting in personal injury and/or death. 2. To the fullest extent permitted by law, the sponsoring organization and individuals as representatives, agents or officers of the sponsoring organization shall defend (with counsel of District's choosing), indemnify and hold the District, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Sponsoring organization, its officials, officers, employees, subcontractors, consultants or agents in connection with this event, including without limitation the payment of all consequential damages, expert witness fees and attorney's fees and other related costs and expenses. Sponsoring organization shall reimburse District and its officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Sponsoring organization's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the District, its directors, officials officers, employees, agents, or volunteers. Sponsoring organization agrees to waive all rights of subrogation against the District. 3. Sponsoring organization agrees to carry and maintain, during the course or duration of this event, comprehensive or commercial general liability insurance with and Administrative Procedure 3560 Alcoholic Beverages and the Conditions that Govern the Use of Alcoholic Beverages outlined on the reverse side of this form. I limits of one-million dollars (\$1,000,000) per occurrence and \$2,000,000 aggregate combined single limit for bodily injury and property damage in a form mutually acceptable to both parties to protect Sponsoring organization and District against liability or claims of liability which may arise out of this event. 4. I hereby certify that I have read the District Board Policy further certify that I will be in attendance at the above event and will be responsible for ensuring its compliance with the Alcoholic Beverages policy.

Signature of Person In Charge: _____ Date: _____

APPROVAL

Dean/Director Signature

Date

Vice President Signature

Date

Board of Trustees Approval

Superintendent/President Signature

Date

Date

DISTRIBUTION: A copy of the approved form must be sent to the Civic Center and Facilities Leasing and Vice President for Business & Financial Affairs Office, and a copy sent to the event sponsor.

THIS APPROVED FORM MUST BE AVAILABLE AT THE EVENT FOR INSPECTION BY DISTRICT OFFICIALS

CONDITIONS THAT GOVERN THE USE OF ALCOHOLIC BEVERAGES

The use of alcoholic beverages at District properties or events may be permitted if the event sponsor has obtained approval by the appropriate authority pursuant to the District policy on Alcoholic Beverages. All of the following conditions shall govern the use of alcoholic beverages:

1. Any request to use alcoholic beverages at District properties or events must be approved by the Superintendent/President and/or Board of Trustees. A Request for Use of Alcoholic Beverages Form must be submitted for approval at least FOUR WEEKS PRIOR TO THE DATE OF THE EVENT or if Board of Trustees approval is required, SIX WEEKS PRIOR TO THE DATE OF THE EVENT. The Request for Use of Alcoholic Beverages Form is available at the Civic Center and Facilities Leasing office or on the Web at www.swccd.edu
2. In the case of college department or organization, this request must be approved prior to the submittal of a Civic Center and Facility Leasing Application reflecting alcoholic beverages will be used.
3. The sale and service of alcoholic beverages on campus or district sponsored facilities is limited to beer and wine.
4. Alcoholic beverages shall only be consumed in the approved enclosed or inside area designated on this Request for Use of Alcoholic Beverages Form. Exterior service area(s) must be clearly defined.
5. Event sponsor shall designate a "Person In Charge" who must be 21 years of age or older and be in attendance during the entire period of the event. Person In Charge shall take adequate measures to ensure compliance with all of the conditions for approval of this request, and shall have a copy of this approved request at the event.
6. Servers of alcohol: must be 21 years of age or older; shall be trained to serve alcohol (Licensee Education on Alcohol and Drugs Program or Responsible Beverage Service Training Program) and/or must have received orientation on responsible beverage service techniques through the Southwestern College Foundation; are prohibited from consuming any alcoholic beverages at the event; and shall be familiar with the system being used at the event for verifying that only persons 21 years of age and older are being served alcohol.
7. Access to the event is restricted to members of the sponsoring organization and their invited guests. A majority of the participants attending the event must be 21 years of age or older.
8. The event shall not be open to the public or District community generally and shall not be advertised to the public or District community as an event where alcoholic beverages will be served.
9. Person In Charge shall stop the consumption of alcohol at least 1 hour prior to the scheduled ending time of the event. Unless otherwise approved, actual serving period shall not exceed 3 hours.
10. Suitable non-alcoholic beverages and food must be made readily available at all functions when alcoholic beverages are served. Non-alcoholic beverages should be of comparable quality and shall be featured as prominently as the alcoholic beverages.
11. The Person In Charge, other officers and representatives of the event sponsor, and the party holding the license and/or serving alcoholic beverages are responsible for compliance with applicable laws, regulations, and District policies.
12. The sale of alcoholic beverages is prohibited except pursuant to a valid license or permit issued by the Department of Alcoholic Beverage Control (ABC). Exchanging any consideration for alcoholic beverage service constitutes a sale. "Consideration" includes money, tickets, tokens, or chits that have been issued in exchange for alcohol or anything else of value. The imposition of a uniform per person admission charge, however, does not constitute a sale, provided the admission ticket or other evidence of payment is not exchangeable for alcoholic beverages. A copy of the license or permit must be maintained by the licensee and available for inspection upon request at the event.
13. No person under 21 years of age and no obviously intoxicated person shall be furnished, served, or given an alcoholic beverage.
14. Wine shall be available only by the glass (not to exceed 4 ounces), and beer shall be available only by the bottle, can or glass (not to exceed 12 ounces). Kegs or common source containers are permitted only with an authorized server. Guests may not serve themselves.
15. Guests will not be allowed to bring alcoholic beverages to any event or to exit an event in the possession of alcoholic beverages.
16. In the event an individual becomes intoxicated, Person In Charge will immediately alert a College Police Officer.