

Davidson College is committed to compliance with all state laws governing the sales and serving of alcohol on its campus as well as off campus on college sponsored programs.

Alcohol Management Policy

Any effective alcohol management policy must address two standards; the basic legal requirements required by the North Carolina Alcohol Beverage Commission (ABC) and our own internal risk management requirements. With respect to both, this alcohol management policy must insure the following:

- that the college meets basic legal requirements in order to avoid legal action by the state that could result in fines and/or permit suspension or revocation
- that the college is able to sell or serve alcohol at events it deems appropriate or necessary
- that the college is not unduly exposed liability-wise by the management of alcohol

Policy Issues

- The Dean of Students must sign off on any alcohol event including, but not limited to, those hosted by any college department or office, taking place at a campus location not already designated as an alcohol permitted area.
- Those locations that do not require permission are the 900 Room, Vail Commons, Patterson Court and the Guest House. Davidson College is covered under our Off-Premise Beer and Wine Permits for Vail Commons, Lilly Gallery, and the C. Shaw Smith 900 Room.
- Any event where beer or wine is being **sold** (see “Alcohol Service versus Sale” for definition in the Appendix below) must adhere to the applicable requirement below:
 - For sales occurring at one of the permitted locations listed above, no additional permitting or documentation is required. If a third party caterer is managing the alcohol, they must provide a copy of either their Off-Premise Beer and Wine Permit or their Special Occasions Permit as evidence they are properly permitted to conduct this activity. The copy must be provided to the Director of Auxiliary Services. Further, the department hosting the function should insure that the caterer is following ABC rules and regulations properly to keep our permits out of jeopardy.
 - For sales occurring at a non-permitted location the department may either:
 1. Utilize Vail Commons Catering. As a permitted location Vail Commons Catering may manage the event without additional permitting provided payment is made to catering by the department either electronically or at the physical Vail Commons address, or
 2. Utilize a third party and also procure a Special One-Time Permit from North Carolina ABC in Charlotte that allows the sale at the specific location on the specific date. The third party caterer must also provide a copy of either their Off-Premise Beer and Wine Permit or their Special Occasions Permit as evidence they are properly permitted to conduct this activity. The copy must be provided to the Director of Auxiliary Services.
- Any event where beer or wine is being **sold in a cash bar setting**, because the business transaction is occurring on-site, must adhere to the applicable requirement below:

- For sales taking place at one of the permitted locations listed above, no additional permitting is required. If a third party caterer is managing the alcohol, they must provide a copy of either their Off-Premise Beer and Wine Permit or their Special Occasions Permit as evidence they are properly permitted to conduct this activity. The copy must be provided to the Director of Auxiliary Services. Further, the department hosting the function should insure that the caterer is following ABC rules and regulations properly to keep our permits out of jeopardy. Or,
- For sales taking place at any other location the department must acquire a Special One-Time Permit from NC ABC (in a cash bar situation this is a requirement regardless of whether a third party caterer or Vail Commons Catering is handling the event).
- Any event where liquor is served or sold (including a cash bar) must adhere to the applicable requirement below:
 - If Vail Commons Catering is the manager of the event, a Special One-Time Permit must be acquired by the customer from NC ABC.
 - If a third party caterer manages the event, they must provide evidence of either a Mixed Beverage Permit or a Special Occasions Permit to the Director of Auxiliary Services. Further, the customer must procure a Special One-Time Permit from NC ABC.
- Individual employees of the college may buy alcohol and bring it to campus for an event. Department heads must be aware, however, of the Transportation Limits (see Transport Limits in Appendix below) in order to protect themselves and the college. If they are purchasing the alcohol with funds collected from those that will attend the party (this would constitute a “sale” situation), as long as the event is already in a location under college permit, there is no other legal requirement. If they are conducting this “sale” event elsewhere, a Special One-Time Permit must be obtained.
- All on-campus college events where beer, wine or liquor are served or sold must have a trained bartender. The college will consider requests for exceptions based on specific guidelines. Dining Services will provide trained bartenders for all campus events at the most reasonable price possible.
- All outside events must use College Catering for food and beverage. On those occasions that College Catering declines an outside event, the Conference Services Office will be charged with insuring that the college alcohol management policy is observed.

Process for Requesting an Exception to the Bartender Requirement

A department may petition for an exception to the bartender requirement by submitting to the Director of Auxiliary Services, who would work with the Dean of Students, a request that supplies the following information:

- Date of event
- Location of event
- Duration of event
- Nature of event
- Number expected in attendance
- Composition of group (employees, students, parents, spouses/guests of employees, trustees, etc.)
- Type and amount of alcohol to be made available

- Name and signature of person taking responsibility for event (see expectations below)

Note that exceptions are highly unlikely for events that:

- have more than 25 people in attendance
- are held in public locales (outdoor areas or lobbies versus enclosed rooms)
- call for more than an average of one drink per hour/per guest
- include guests beyond employees of the college
- are to be held in close proximity to other open events at the college (the Dean of Students will be routinely consulted on this question when school is in session)
- involve liquor rather than or in addition to beer/wine

Exceptions will be considered on a case-by-case basis.

Should the exception be granted, the responsible person will be required to:

- be present for the entire duration of the event without interruption
- keep an eye on guests to make sure an individual does not over-imbibe
- insure that the original conditions upon which the exception was granted are maintained, for example should more or different guests arrive or more alcohol be brought than initially planned, he or she would be responsible for asking guests to leave or for the additional alcohol to be kept out of circulation.

Appendix

I. Legal Review and Definitions

Alcohol Service versus Sales – Special permitting is only required for the **sale** of alcohol. By law, Davidson College may **serve** alcohol (excluding fortified wine and spirituous liquors), without charge, anywhere on our premises we wish. No permitting is required. The ABC definition of “sale”, however, is quite strict. Anytime an individual pays money for an event and that money is then used to purchase alcohol that is in turn offered to that same individual, this constitutes a sale. For example, if the college collects a registration fee from an alumnus for Reunion Weekend and some of this money is used to pay for a reception that includes alcohol for that same weekend, this is a sale.

Beer and Unfortified Wine Permits – These permits, which the college currently holds for three locations (Vail Commons, Chambers Gallery, 900 Room), allow the sale of alcohol at the specific physical addresses listed on the permits. This allows sale of these beverages in any manner – pre-paid registrations, tickets purchased elsewhere, cash, etc. It is important to note that holding permits of this nature means that any alcohol or drug activity at these locations, 24 hours a day, 365 days a year, is subject to investigation and/or disciplinary action by Alcohol Law Enforcement (ALE). In other words, should ALE discover an underage drinker at the location *at any time*, they can revoke the permit and take additional action against the college.

These permits also cover all events catered by Davidson Catering at any locations where all invoicing is generated by Davidson Catering and payment is received at Vail Commons. That would include all sale situations except cash bars.

Mixed Beverage Permits – Davidson College does NOT currently hold this permit. It is designed for catering operations. It entitles the holder to serve mixed beverages (liquor) at any location, assuming permission is given by the property owner and as long as the financial transaction occurs at the physical address listed on the permit.

Special Occasions Permit – We currently hold this permit under the Vail Commons address. The Special Occasions Permit allows a customer to purchase liquor on their own and bring it to our catering department to serve (not sell) at a function. The property owner of the event site must give assent for this activity to occur. Likewise, if a college department employs an outside caterer and wishes that caterer to serve alcohol, that caterer will need to possess either a Mixed Beverage Permit that permits them to serve or sell liquor as a caterer or a Special Occasions Permit of their own that would allow them to serve liquor provided by the customer. The Special Occasions Permit held by either college catering or a third-party caterer covers all of our liquor service needs, except liquor cash bars.

Special One-Time Permit – ABC allows non-profit organizations to procure temporary permits to serve or sell liquor at any specified location as long as the property owner gives consent, the event location is described in a specific manner, and the event is political or fund-raising in nature. ABC indicates it is very liberal in their issue of these permits and acknowledges that any liquor events on our campus could be construed directly or indirectly as fund-raising ventures. Further, ABC suggests that these permits are easily obtained, inexpensive, and provide acceptable permit coverage for our activity.

Transport Limits – Businesses possessing Beer, Unfortified Wine, Fortified Wine and Spirituous Liquor permits and/or Mixed Beverage Permits are allowed to purchase unlimited amounts of alcoholic beverages for re-sale. Individuals, on the other hand, are limited to specific amounts of alcohol in each category that they may transport for an event. Should an individual be stopped by ALE with amounts exceeding these limits, this is considered prima facie evidence of possession with intent to sell. If this individual were a college employee transporting said alcohol for a college event, this could have legal implications for the college. ALE has been non-committal on whether or not the college would face charges, fines, or permit suspension in this situation. The limits for transport are:

- unfortified wine - 50 liters (recently increased from 20 liters)
- beer - 9 cases plus nine individual beers (12 oz. Containers)
- fortified wine and spirituous liquor – 8 liters

Purchased liquor must be removed from the premises at the end of the event. It may not be stored on-site. If there are two clearly identified events planned, as long as the location where the liquor is stored is not under permit, it is acceptable for the liquor to be stored there between events. This sometimes happens with College Relations. From a liability standpoint, the department charged with storing the liquor should develop a storage and management protocol in order to reduce any liability with ABC.