



**Drug-Free Schools and Communities Act
2021 Biennial Review**

Review Committee Members:

Dr. Ryan Van Dusen, Risk and Compliance, Chair

Alexander Trout, Housing and Dining Services

Jessica Blasi, Counseling Center

Andy Thompson, Student Life

Brad Millington, KSUPD

LaVerne Williamson, Human Capital Services

Emily Loeb, Olathe Student Services

Kyle Chamberlin, Polytechnic Student Services

Matt Thomason, Athletic Department

Legal Advisor: Erin Good, Office of General Counsel

Table of Contents

Review Summary	3
Review Process	5
Program Goals	6
Available Services	7
General resources.....	7
Faculty and Staff Assistance	7
Student Assistance Programs	7
Strengths, Improvements, Opportunities	8
Arrest and Referral Data	9
Policies	15

Drug-Free Schools and Communities Act 2021 Biennial Executive Summary

Kansas State University is committed to maintaining a safe and healthy campus community through education, information, and intervention concerning alcohol and other drugs. Among other efforts in support of this commitment, the University conducts a biennial review of the effectiveness of its drug and alcohol prevention programs, and the consistency of disciplinary sanctions imposed for violations of standards of conduct pertaining to possession, use, or distribution of illicit drugs and alcohol by students and employees on University property or as part of its programs. This review is required by amendments to the Drug-Free Schools and Communities Act (DFSCA) of 1989 – also known as the Drug-Free Schools and Campuses Act (EDGAR Part 86) – and U.S. Department of Education regulations. Consistent with these requirements, this report explains findings and recommendations for continuous improvement.

K-State endeavors to educate its students, staff, and faculty regarding the dangers of alcohol and illicit drugs. When appropriate, the University holds its students and employees accountable with appropriate sanctions in relation to the use or abuse of alcohol and drugs. K-State offers a number of programs to its campus community that are designed to encourage informed decision making and healthy behaviors. With regard to the student population specifically, the University’s programming focuses on resource identification and harm reduction, recognizing that college students have consistently represented a large portion of the American population engaging in drug and alcohol abuse. These programs are discussed in more detail below.

As a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education (IHE) such as K-State must certify that it has adopted and implemented an Alcohol and Other Drug (AOD) program that is compliant with the law. Specifically, an IHE must adopt and implement a program to prevent the unlawful possession, use, and distribution of illicit drugs and alcohol by students and employees as any part of its campus or activities.

Requirements under the (DFSCA) contain significant overlap with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act), which requires policy statements about alcohol and drugs and a description of AOD education programs in the annual security report. As such, anyone, including prospective students and employees, may obtain an electronic copy of the both the Drug-free Schools and Campuses Biennial Report and the Annual Security at the Clery Act federal compliance page found at <https://www.k-state.edu/report/clery/>. This review shows consistency between reported crime and prevention data and programs provided by the University.

Biennial Review Process

This review was conducted, including all campuses, in compliance with the requirements of the Drug-Free Schools and Communities Act and implementing regulations.

The review is intended to be a full, campus-wide review of the effectiveness of how the University addresses alcohol and other drugs on its campuses.

The review examined:

1. Current policies pertaining to alcohol and other drugs for students;
2. Current policies pertaining to alcohol and other drugs for employees;
3. Notifications to students and employees of the standards of conduct, policies, laws, types of violations, health risks and consequences of violations, and treatment options related to alcohol and other drugs;
4. Programs in place that are provided regarding the abuse of alcohol and other drugs;
5. Most recent data collected regarding arrests and violations referred for disciplinary actions involving alcohol and other drugs on campus and in University programs; and
6. Results of the *Kansas State University Spring 2020 American College Health Association-National College Health Assessment II* report from Lafene Health Services' biennial student survey on students' usage and habits involving alcohol and other drugs.

A thorough review was undertaken by a committee including representatives of several offices and departments within the University. A list of strengths and improvement areas regarding the alcohol and other drug prevention programs and policies was developed. From that information, the committee compiled a list of recommendations for future action.

Alcohol and Other Drug (AOD) Program Goals

Efforts to prevent or decrease AOD abuse are most likely to succeed when all relevant stakeholders such as university administration, faculty, staff, students, and parents, work together with campus Police and Security along with a variety of mental health and other social service agencies in the community towards a common goal.

K-State's central goal is to increase awareness of the negative consequences related to high-risk alcohol consumption and other drug use. To this end, the Alcohol and Other Drug (AOD) Biennial Review committee identified two target goals designed to reach specific objectives:

Goal 1: Continue to increase collaboration with campus and community partners to further develop alcohol awareness and education that focusses on responsible behaviors related to alcohol consumption.

- Objective: Create and implement a parent portal to provide information and resources surrounding alcohol and drug culture, improve relationships with their student, communication tips, and mental health and relationship resources by 2022.

Goal 2: Continue implementing the American College Health Association-National College Health Assessment (ACHA-NCHA-II) and review data to identify campus trends.

- Objective: Review the 2020 (ACHA-NCHA-II) institutional data to identify a baseline for future comparisons and trends related to students' usage and habits involving alcohol and other drugs.

AOD Information and Available Services

K-State encourages employees and students to utilize treatment services and referral resources to address AOD abuse and dependence. The university provides the following support services to faculty, staff, and students:

General Resources

Substance Abuse and Mental Health Services Administration (SAMHSA) [Treatment Locator](#)
[Alcoholics Anonymous](#)
[Narcotics Anonymous](#)

Faculty and Staff Assistance

The Employee Assistance Program, or EAP, 1-888-275-1205 provides free confidential short-term counseling (up to eight sessions) and/or referrals for alcohol and drug problems to state of Kansas benefits eligible employees and their dependents.

Student Assistance Programs

K-State offers several programs on alcohol and other drugs for students. The Alcohol and Sexual Assault Prevention Program (ASAP) is required for all students and incorporates both information on the effects of alcohol use and training to create awareness of how alcohol use affects behaviors, with a focus on student harm-reduction. Titled “Think About It”, this research-based curriculum utilizes storytelling in a non-judgmental approach to prepare students with the necessary skills to confront and prevent substance abuse and sexual violence.

Additionally, Kansas State University’s Lafene Health Center offers Alcohol and Other Drug Education Services, which provides a number of resources, including the following:

- Educational presentations on alcohol and other drug issues.
- Professional referral resources (campus and community)
- General education information (posters, handouts, fliers, etc.)
- Consultation on special activities
- Sponsorship of eCHECKUP TO GO
- Basic assessment and intervention assistance
- Alcohol Use Disorders Identification Test, AUDIT, screening

AODES have also provided a number of presentations on campus tailored to the needs of individual groups regarding alcohol and other drugs. It has worked with the Wildcat Wellness Coalition in designing programs to help students improve overall wellness, including exploring ways in which alcohol and drugs impact overall wellness.

Strengths, Improvement Areas, and Recommendations for K-State's Alcohol and Other Drug Policies and Programs

I. Strengths

- A. Student policies consistently enforce standards of behavior related to AOD abuse
- B. Violations are adjudicated quickly and provide for both educational sanctions and referrals to on-campus health services or a therapist
- C. Alcohol and other drug education services are employed through collaborative efforts by various offices, departments, and student groups on and off campus
- D. Benefit-eligible employees are provided free access to EAP services
- E. K-State continues to review its Alcohol and Other Drug program

II. Program Challenges

- A. K-State does not collect data on faculty and staff use/abuse
- B. There are limited education and programming options for employees

III. Recommendations for Improvement

- A. **Develop a Mechanism to Assess Program Effectiveness:** Develop more comprehensive assessment measures to evaluate the full scope of AOD programming.
- B. **Designate AOD Compliance Oversight Officer:** There is consistent collaboration between all departments involved in alcohol and other drug education, adjudication and prevention. The primary departments and programs involved are represented on the biennial review committee. These offices and programs include Risk and Compliance, Housing and Dining, University Police, the Counseling Center, Human Resources, Athletics, Student Life, Legal Counsel, and all system campuses. The University has not appointed a standing chairperson of a designated Alcohol and Other Drugs Compliance Committee. Due to the connection between Clery compliance and the Biennial Review, the Clery Compliance Coordinator will be designated as the responsible party for convening the review team during the spring semester of odd years.

Data Gathered on Alcohol and Other Drugs Arrests, Violations, and Usage

Manhattan Campus

Violation	Location	2017	2018	2019
Liquor Law Arrests	On campus	36	54	50
	Residential Facilities	0	4	14
	Non-campus	5	10	2
	Public property	1	1	0
Liquor Law Violations Referred for Disciplinary Action	On campus	261	314	179
	Residential Facilities	261	314	179
	Non-campus	0	0	0
	Public Property	0	0	0
Drug Law Arrests	On campus	11	22	14
	Residential Facilities	0	15	0
	Non-campus	0	10	3
	Public Property	3	3	3
Drug Law Violations Referred for Disciplinary Action	On campus	56	36	46
	Residential facilities	56	34	46
	Non-campus	0	0	0
	Public property	0	0	0

Polytechnic Campus

Violation	Location	2015	2016	2017
Liquor Law Arrests	On campus	0	0	0
	Residential Facilities	0	0	0
	Non-campus	0	0	0
	Public property	0	0	0
Liquor Law Violations Referred for Disciplinary Action	On campus	0	0	0
	Residential Facilities	0	2	3
	Non-campus	0	0	0
	Public Property	0	0	0
Drug Law Arrests	On campus	0	3	1
	Residential Facilities	0	0	1
	Non-campus	0	0	0
	Public Property	0	0	0
Drug Law Violations Referred for Disciplinary Action	On campus	0	2	3
	Residential facilities	0	0	3
	Non-campus	0	0	0
	Public property	0	0	0

Olathe Campus

Violation	Location	2015	2016	2017
Liquor Law Arrests	On campus	0	0	0
	Residential Facilities	0	0	0
	Non-campus	0	0	0
	Public property	0	0	0
Liquor Law Violations Referred for	On campus	0	0	0
	Residential Facilities	0	0	0

Disciplinary Action	Non-campus	0	0	0
	Public Property	0	0	0
Drug Law Arrests	On campus	0	0	0
	Residential Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Drug Law Violations Referred for Disciplinary Action	On campus	0	0	0
	Residential facilities	0	0	0
	Non-campus	0	0	0
	Public property	0	0	0

Graphs 1 through 4 describe data from the student survey results from the *Think About It- ASAP program*, compiled by Lafene Health Services. Found at https://www.k-state.edu/asap/ASAP%20program%20results%202017_18.pdf

How often do you use alcohol?

Student Selections	Kansas State University (Sample: 3,974)	Other Schools (Sample: 70,698)
Never	38.9%	40.1%
Seldom	24.2%	23.7%
Sometimes	27.1%	27.5%
Often	7.5%	6.1%
Daily	0.7%	0.7%
No Comment	1.6%	1.9%

Note: These are new students from Fall 2019 and Spring 2020 who are under the age of 22.

Graph 1: 2018-2019 data for Frequency of Alcohol use

How often do you use drugs recreationally?

Student Selections	Kansas State University (Sample: 3,974)	Other Schools (Sample: 70,697)
Never	81.6%	77.9%
Seldom	9.5%	10.0%
Sometimes	4.6%	6.1%
Often	2.0%	2.6%
Daily	1.0%	1.6%
No Comment	1.4%	1.8%

Note: These are new students from Fall 2019 and Spring 2020 who are under the age of 22.

Graph 2: 2019-2012 data for Frequency of Drug use

Graphs 3 through 7 describe data from the Executive Summary student survey results related to Tobacco, Alcohol, and Marijuana use from the American College Health Association National College Health Assessment II, compiled by Lafene Health Services.

Graph 3: 2019-2020 ACHA-NCHA data for Frequency of Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chew tobacco, cigars, etc.)

2019-2020	Male	Female	Total
Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chew tobacco, cigars, etc.)	39.80%	26.70%	32.20%
2019-2020	Used in last 3 months		
	Male	Female	Total
Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chew tobacco, cigars, etc.)	28.10%	14.60%	19.90%

Graph 4: 2019-2020 ACHA-NCHA data for Alcoholic Beverages

Alcoholic Beverages	Ever Used		
	Male	Female	Total
	79.60%	79.60%	79.60%
	Used in last 3 months		
	Male	Female	Total
74.60%	76.10%	75.50%	

Graph 5: 2019-2020 ACHA-NCHA data for Frequency of Alcohol use

When, if ever was the last time you:	Drank Alcohol		
	Male	Female	Total
Never	15.90%	15.30%	15.60%
Within the last 2 weeks	60.40%	57.80%	58.80%
More than 2 weeks ago but within the last 30 days	8.00%	10.50%	9.40%
More than 30 days ago but within the last 3 months	8%	8.40%	8.30%
More than 3 months ago but within the last 12 months	4.80%	5.60%	5.10%
More than 12 months ago	3.30%	2.30%	2.70%

Graph 6: 2019-2020 ACHA-NCHA data for Cannabis use

2019-2020	Ever Used		
	Male	Female	Total
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.)	34.10%	33.00%	34.40%
2019-2020	Used in last 3 months		
	Male	Female	Total
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.)	20.40%	18.90%	20.00%

Graph 7: 2019-2020 ACHA-NCHA data for Frequency of Cannabis use

When, if ever was the last time you:	Used Cannabis/Marijuana		
	Male	Female	Total
Never	61.60%	63.10%	61.40%
Within the last 2 weeks	11.30%	7.70%	9.50%
More than 2 weeks ago but within the last 30 days	2.00%	3.20%	2.90%
More than 30 days ago but within the last 3 months	4.40%	5.40%	5.10%
More than 3 months ago but within the last 12 months	6.90%	7.10%	7.30%
More than 12 months ago	14.30%	13.50%	13.70%

University Policies Addressing Alcohol and Other Drugs

Current Policies for Students

The institution's student-oriented policies regarding alcohol and other drugs exist in two locations – the Student Code of Conduct and the Policies and Procedures Manual (PPM).

1. **Student Code of Conduct** – on KSU website <https://www.k-state.edu/sga/judicial/student-code-of-conduct-notused.html>) The Student Code of Conduct, under the Student Governing Association in association with the Office of Student Life, specifies student behaviors that are classified as misconduct for which disciplinary actions will be imposed. The code includes 23 categories of behavior that are classified as misconduct. The Office of Student Life, which works with the judicial arm of the Student Government Association regarding disciplinary matters, advises on sanctions for alcohol and other drug violations to ensure sanctions for violations are imposed on a reasonable and consistent basis. Regarding alcohol and other drugs, the following rules and regulations apply:

A. The following described behaviors constitute misconduct in which disciplinary sanctions will be imposed. ...

11. Use, possession or distribution of alcoholic beverages in an unlawful manner or otherwise in violation of a university policy.
12. Use, possession, distribution of a controlled substance in an unlawful manner or otherwise in violation of a university policy.
23. Violation of federal, state or local law that causes a substantial disruption to university operations.

- B. **Lifeline 911 policy** – This policy allows students to seek immediate medical assistance for an alcohol-related emergency on behalf of themselves or another person without being sanctioned for violation of any university-related policy. The policy allows students to make healthy decisions by seeking medical help without the fear of punishment. In addition to the assurance of immunity from sanction, the policy discusses post-incident education programs for those involved with the incident.

- C. **Housing policies related to alcohol and other drugs** – Students living in the residence halls on the Manhattan campus and Polytechnic campus and Jardine Apartments at Manhattan, as well as visitors, are also required to abide by the policies stipulated by Housing and Dining. Students are notified of these policies when a contract is signed and affirm their knowledge of the policies at check-in. The policies are as follows in the appropriate handbook

1. **Residence Hall Alcohol Policy (Manhattan Campus):** <https://housing.k-state.edu/living->

[options/handbooks/reshall_handbookpages/reshall_policies.html#alcohol](#)

In accordance with federal and state law, residents who are under the age of 21 are not permitted to possess or consume any alcoholic beverages in the residence halls or on university property. Consumption of any alcoholic beverages above 3.2 percent alcohol content is not permitted in the residence halls or on university property, unless otherwise approved and stated in university policy [PPM 3053.020](#).

Residents who are 21 years of age or older may consume or be in possession of up to 30 containers of alcoholic canned/bottled beverages that are 3.2 percent alcohol content or lower in the residence halls. A resident or guest under the age of 21 is not permitted by policy or law to consume alcohol in the residence halls. If a resident is over 21, and their roommate does not meet that qualification, the resident who is 21 may consume beverages with 3.2 percent alcohol content if they have the consent of their minor roommate and the door is closed when alcohol is consumed. If a resident over 21 years of age is consuming alcohol in their room, the only minors allowed in that room are the resident's roommate(s); any other minors will be in violation of the alcohol policy and documented accordingly. Visitors to the hall who are over 21 years of age may drink beverages with 3.2 percent alcohol content as long as the hosting resident is over 21, is present at the time of consumption and has the consent of all other roommates.

Open containers are prohibited in all residence hall stairways, elevators, lobbies, front porches, general public areas, storm shelters and in residents' rooms with the door open. Transport of unopened 3.2 percent alcohol containers by a person who is over 21 to a resident's room, where that resident is also over 21, is permitted. Kegs are prohibited in the residence halls, Jardine Apartments and all Housing and Dining Services properties.

The use of alcohol does not circumvent your responsibility for the consequences of your behavior under the influence of alcohol and/or other prohibited substances. Any person 21 years or older is responsible for a minor if they knowingly supply them with alcoholic beverages and/ or other prohibited substances.

If a staff member encounters a violation of these policies, they will ask the residents to dispose of the beverages in an appropriate manner. Disposal efforts should be supervised and documented by staff members. All occupants of the room will be treated with equal standards, and will be documented and reviewed by professional staff members. In order to avoid continuous abuse of this policy, violations should be handled by the appropriate senior staff members.

2. Residence Hall Alcohol Policy (Polytechnic Campus):

<https://polytechnic.k-state.edu/documents/studentlife/housing/residencelife/ResLifeHandbook.pdf>

Alcohol Residents who are 21 years of age or older may consume or be in possession of alcoholic canned/bottled malt beverages that are 3.2% (alcohol

content) or lower in the residence halls. A resident who is 21 years of age or older may be in possession of 30 containers or less of 3.2% . If a resident is over 21, and their roommate does not meet that qualification, then the resident who is 21 may consume 3.2% if they have consent of their minor roommate and the door is closed when alcohol is consumed. Visitors to the hall who are over 21 years of age may drink 3.2% as long as the hosting resident is over 21 and is present at the time of consumption as well as having the consent of all other roommates.

Consumption of any alcoholic beverages which are above 3.2% is not permitted in the residence halls or on university property. Any container that once held alcohol above 3.2% is not allowed in the halls. Open or closed containers are prohibited in all residence hall stairways, elevators, lobbies, bathrooms and general public areas except for transport of unopened 3.2% containers by a person who is over 21 to a resident's room, where that resident is also over 21. There are to be no kegs in the residence halls or on university property. (If a resident over 21 years of age is consuming alcohol in their room, the only minors allowed in that room are the resident's roommate(s); any other minors will be in violation of the alcohol policy and documented accordingly.) Any person 21 years of age or older is in violation of this policy if they knowingly supply a minor with alcoholic beverages. In accordance with federal and state law, residents who are under the age of 21 are not permitted to possess or consume any alcoholic beverages in the residence halls or on university property. Staff members are responsible for making residents aware of the laws and policies concerning alcoholic beverages, and to ensure that the aforementioned policies are followed. If a staff member encounters a violation of these policies, they should ask the residents to dispose of the beverages in an appropriate manner. Disposal efforts should be supervised and documented by staff members. All occupants of the room will be treated with equal standards, and will be documented and reviewed by professional staff members. In order to avoid continuous abuse of this policy, violations should be handled by the appropriate senior staff members. The RLC may decide how to best handle residents who are found in violation of this policy. **Residence Hall Drug Policy (Manhattan Campus):** https://housing.k-state.edu/living-options/handbooks/reshall_handbookpages/reshall_policies.html#drugs

It is a violation of the law, as well as university and residence hall policies, to possess, use or sell illegal drugs or other controlled substances. This includes prescription medication not prescribed to the individual possessing or using the medication.

We report all incidents of suspected possession, use and sale of illegal drugs to the police. Because the use of illegal drugs is also a violation of published university and residence hall policies, incidents may be referred for university disciplinary action. **Violations of the drug policy may result in termination of a student's housing contract.**

3. **Residence Hall Drug Policy (Polytechnic Campus):** <https://polytechnic.k-state.edu/documents/studentlife/housing/residencelife/ResLifeHandbook.pdf>

It is a violation of the law, as well as published university and residence hall

policies, to possess, use or sell illegal drugs or other controlled substances. This includes prescription medication that has not been prescribed to the individual possessing or using the medication. We report all incidents of suspected possession, use and sale of illegal drugs to the police. Because the use of illegal drugs is also a violation of published university and residence hall policies, incidents may be referred for university disciplinary action. Violations of the drug policy may result in termination of a student's housing contract.

4. **Jardine Apartments Alcohol and Drug Policy:** https://housing.k-state.edu/living-options/handbooks/jardine_handbookpages/jardine_policyoverview.html#alcoholanddrugs

Residents are expected to abide by all Kansas and city of Manhattan laws and ordinances, as well as by K-State's alcohol policy. The apartment community is part of a larger community, and as such, is not only governed by its own regulations, but also by university policies and state law. The State of Kansas establishes the age at which alcohol consumption is legal. Persons may only drink alcohol if they are of legal age and are in an apartment with the door closed. A resident or guest under the age of 21 is not permitted by policy or law to consume alcohol in Jardine Apartments. Residents found responsible for violations of alcohol and/or drug policy violations will be referred to the campus judicial offices and/or University Police. Consumption of alcoholic beverages is not permitted outside of apartments, regardless of legal age. In addition, open containers are prohibited in all stairways, elevators, lobbies, front porches, storm shelters, general public areas and in your apartment with the door open. The legal consumption of alcoholic beverages shall not interfere with the academic endeavors of another resident.

D. Observations of Current Policies for Students

1. The University's policies for alcohol and other drugs are clear regarding the standards of conduct.
2. Appropriate clarity and discretion are provided in the policies with regard to how violations are handled.
 - In the case of a violation of drug policy in the residence halls, incidents are required to be reported to law enforcement; however, the policy provides discretion as to whether drug incidents are also referred for disciplinary action.
 - In the case of alcohol in the residence halls, handling of housing contract violations related to alcohol and drug possession violations is at discretion of the residence life coordinators and assistant residence life coordinators. There may be additional student conduct code sanctions for alcohol and drug violations separate from what is imposed for a housing contract violation.

- In the case of alcohol and drug violations on campus in general, general listed sanctions apply per the Student Code of Conduct. As with all conduct violations, the circumstances of the violations will factor into the decision on sanctions, such that similar circumstances will result in similar sanctions.
- 3. The Office of Student Life, which works with the judicial arm of the Student Government Association regarding disciplinary matters, advises on sanctions for alcohol and other drug violations to ensure sanctions for violations are imposed on a reasonable and consistent basis.
- 4. The PPM provides a summary of State of Kansas and City of Manhattan laws on alcohol and cereal malt beverages.
- 5. The Student Code of Conduct refers to the Kansas Statute that defines those controlled substances that are illegal in the state.

Current Policy for Student Athletes

1. Student-Athlete Drug and Alcohol Policy (2020-2021)

The Kansas State University Department of Athletics (“KSA”) requires that each student-athlete (hereinafter defined) comply with the NCAA, Big 12 Conference and institutional policies regarding substance use/abuse. KSA is concerned with the health, safety and welfare of its student-athletes. Substance use/abuse is one of the most important issues facing athletics and society today. The use of illegal drugs, misuse of legal drugs and dietary supplements, use of performance-enhancing substances, use of alcohol and inappropriate use of tobacco are inconsistent with the standards expected of student-athletes at Kansas State University. Substance use/abuse in sport can pose risks to the student-athlete’s health and negatively affect his/her academic and athletic performance. Additionally, substance use/abuse can compromise the integrity of athletic competition and the ideals of Kansas State University. This KSA Student-Athlete Drug and Alcohol Policy (“Policy”) was developed to ensure the safety and quality of athletics. The KSA Director of Sports Medicine and/or his designee shall coordinate this Policy. Changes to this policy, including sanctions, can be made at any time without notice to the student-athlete.

This Policy represents the KSA policy on substance use/abuse and testing for student-athletes. Each student-athlete is also subject to the NCAA and Big 12 Conference testing programs, which are separate and distinct from this Policy. Sanctions imposed for violations of the NCAA and Big 12 Conference testing programs are also separate and distinct from this Policy, and it is the responsibility of the student-athlete to ensure they are in compliance with all such policies. Attached to this Policy is a Kansas State University Student-Athlete Acknowledgement of Drug-Testing Sanctions Consent (Attachment B), which details the sanctions relative to the separate programs. PLEASE NOTE, THE NCAA AND BIG 12 CONFERENCE SANCTIONS ARE SUBJECT TO CHANGE AT ANY TIME WITHOUT NOTICE. Additional information regarding the NCAA and Big 12 Conference substance abuse programs and policies may be found on

their respective websites.

This Policy does not represent a contract between the student-athlete and the University. For the purposes of this Policy, “student-athlete” shall mean any University student who participates on any KSA team.

2. Drug and Alcohol Education

Student-athletes will be provided with information regarding the use of illegal substances, misuse of alcohol and the dangers of using reputedly performance-enhancing substances such as anabolic steroids and nutritional supplements. The education program will draw upon the specialized skill of KSA personnel as well as resources outside the institution to inform student-athletes concerning the physical and psychological consequences of drug use and abuse.

The Policy and administration procedures will be provided to each student-athlete at pre-season annual team meetings. Additionally, each student-athlete will be educated on the use of legal and illegal substances and nutritional supplements and their risks.

A University Drug Testing Informed Consent form stating that the student-athlete has read this Policy and program statement and has agreed to participate in the program will be required of each student-athlete prior to participation in any athletic program. Participation in KSA is a privilege and no student-athlete will be permitted to participate in any athletic program until he/she has executed and returned the following documents to the Director of Sports Medicine or his designee:

1. Kansas State University Drug Testing Informed Consent
2. Kansas State University Student-Athlete Acknowledgement of Sanctions

Student-athletes are encouraged to utilize campus counseling services and are made aware of health and safety, alcohol and other drug guidelines by the Sports Medicine staff, coaches, and the compliance staff. Student-athletes are encouraged to utilize resources provided by the Sports Medicine staff and the compliance staff, such as the NCAA Sports Science Institute website (www.ncaa.org) and the Drug Free Sport AXIS website (<https://dfsaxis.com/>), during pre-participation physicals and a series of educational sessions provided throughout the year. Coaches are also educated by the Sports Medicine staff in their ability to play an important role in identification and appropriate referral of student-athletes with health and safety concerns.

Student-athletes should always check with the Director of Sports Medicine and/or his/her designee prior to using any supplement or medication. Student-athletes should not take any medications or supplements unless they are approved by their respective athletic trainer. However, there is no guarantee that a supplement approved by an athletic trainer or Team Physician does NOT contain a contaminant or unlisted prohibited substance that could create a positive drug test.

NCAA POLICY STATES THAT ANY PROHIBITED SUBSTANCE DISCOVERED ON A DRUG TEST IS THE RESPONSIBILITY OF THE STUDENT-ATHLETE. If

the substance is determined to have come from a contaminated supplement, penalties will still apply to that student-athlete. Therefore, all student-athletes are cautioned against ingesting any supplements other than those approved by KSA.

3. Tobacco Policy

As required by NCAA rules, the use of tobacco products is prohibited by all game personnel (e.g., coaches, student-athletes, athletic trainers, managers and game officials) in all sports during practice and competition. A student-athlete who violates this tobacco policy will be sanctioned for a “first offense” as outlined in the penalty section of this policy. The Director of Athletics or his/her designee will sanction other game personnel who violate this tobacco policy on a case-by-case basis.

4. Alcohol Policy

It is the responsibility of every member of the University community to be aware of the risks associated with alcohol use and abuse. KSA views the use of alcohol to be incompatible with the goal of athletic excellence. Student-athletes are required to conduct themselves in accordance with University policies, and federal, state and local laws regarding alcohol consumption. This extends to the recruitment of prospective student-athletes. It should be understood that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of state liquor laws. Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21. Prospective student-athletes visiting campus and socializing with current students are not permitted to participate in any activities that involve the use of alcohol.

An alcohol-related charge of DUI, conviction or plea of guilty to such charge by any student-athlete will result in the sanctions imposed herein for positive drug tests. Each DUI charge, conviction or plea of guilty will be viewed as a separate offense and are cumulative. Other alcohol-related citations (MIP, open container) may result in sanctions as deemed appropriate by the Director of Athletics and/or the head coach.”

KSA may also suspend any student-athlete upon a charge, conviction or plea of guilty to any of the following:

- a. Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs;
- b. Public intoxication;
- c. Drunk and disorderly conduct;
- d. Other violations of local, state, or federal law involving alcohol or drugs, including possession;
- e. Other violations of local, state, or federal law involving alcohol or drugs and acts of violence;
- f. Violations of the Kansas State University Student Code of Conduct involving alcohol or drugs; or

g. Minor in Possession.

5. Screening for Use of Illicit Drugs

All student-athletes will be subject to random testing throughout the academic year and summer. Additionally, any student-athlete may be required to be tested if a member of the athletic staff, having an opportunity to observe the student-athlete's behavior, physical condition or performance, concludes that there is reasonable cause to suspect drug usage.

All student-athletes in post-season competition may be tested for drug usage before competition. Additionally, the University reserves the right to test all student-athletes and will require all student-athletes, who have tested positive, to be re-tested prior to a return from a participation suspension. By signing the Drug Testing Informed Consent, the student-athlete agrees that any test result may be released to the Director of Athletics, the senior compliance administrator, the Director of Sports Medicine and/or his designee, the respective sport administrator and/or the student-athlete's head coach.

6. Testing Notification/ Test

Upon selection for testing, student-athletes will be notified by phone or face to face prior to testing by the student-athlete's coach, the Director of Sports Medicine and/or designee, or a member of the KSA administration. Notification will take place no more than 48 hours before the scheduled test. Upon notification, the student-athlete will be asked to read and sign a Kansas State University Drug and Alcohol Policy Notification Form notifying him/her of the date, time, and site of the testing as well as any other special instructions pertinent to the test. The student-athlete will be instructed to report to the test site with a picture ID. If a student-athlete does not report at the scheduled time for his/her test, he/she will be sanctioned appropriately for his/her action. A "no show" will be interpreted as a positive test result and the student-athlete may be subject to penalties and sanctions at the discretion of the Director of Athletics. Any attempted manipulation or substitution of the sample by the student-athlete will be interpreted as a positive test result and the student-athlete may be subject to penalties and sanctions at the discretion of the Director of Athletics.

The drug screening process may include analysis of, but is not limited to, the NCAA Banned Drug List. For an ongoing updated listing of the NCAA Banned-Drug Classes List view the NCAA's web site at www.ncaa.org. Please note, the University reserves the right to test for substances not listed on the NCAA list of banned substances and may test at lower cut-off levels than the NCAA testing program. The KSA requires that all student-athletes keep the athletic training staff and/or the Director of Sports Medicine aware of any prescribed drugs and nutritional supplements that he/she may be taking.

7. Notification of Results

An off campus contracted provider will communicate the results of the tests to the

Director of Sports Medicine and/or his designee. If a drug test is positive, the Director of Sports Medicine and/or his designee will then notify the student-athlete and any other party as described in this Policy of such result. All results will be kept confidential.

8. Self-Referral

One time during his/her athletic career at Kansas State, a student-athlete may refer himself/herself for evaluation or counseling by first contacting a member of the coaching staff, an athletic trainer or sport administrator, who will then contact the compliance administrator. A student-athlete may not initiate self-referral after he/she has been informed of their participation in an impending drug test. This self-referral will be held strictly confidential, and no University administrative sanctions will be imposed upon the student-athlete because he/she has made a personal decision to seek professional assistance. A treatment plan will be put into place and the student-athlete will not be sanctioned for entry into treatment. Once in the self-referral period, a baseline test will be administered. The student-athlete will continue to be tested on a regular basis and will remain in self-referral until such time as the test results are negative. Once the test results are negative, the student-athlete will be subject to the applicable sanctions for all subsequent positive tests.

9. Implications of Positive Test Results for Kansas State University Drug Test (These sanctions are not associated with NCAA or Big 12 Testing)

- a. **Any student-athlete testing positive for an anabolic agent and/or a performance enhancing substance, or any substance used to mask the use of the previous mentioned will be immediately suspended from competition and practice for the period of one year.**
- b. Summary of Positive Drug Test Consequences and Sanctions for Drugs Other Than Those Described Above.

Test Result	Sanction
First Positive	Mandatory confidential meeting(s) with designated counselor, notification of results to parents.
Second Positive	Mandatory confidential meeting(s) with designated counselor, notification of results to parents, suspension for the next 10% of the team's regular season competition (see Table 2), reduce cost of attendance aid by 50% for three (3) months.
Third Positive	Mandatory confidential meeting(s) with designated counselor, notification of results to parents, suspension for the next 50% of the team's regular season competition (see Table 2), reduce cost of attendance aid by 100% for six (6) months. Team rules may include reduction or cancellation of athletic financial aid.
Fourth Positive	Notification of results to parents. Immediate and permanent suspension from all team activities with loss of athletic financial aid.

- c. Additionally, the Director of Athletics and/or his/her designee may suspend or

permanently dismiss any student-athlete that tests positive for a drug or abuses alcohol that is determined to be detrimental to the health and safety of the student-athlete, other student-athletes, or athletic department personnel on a case-by-case basis. The head coach may have team rules, approved by the Director of Athletics, regarding substance abuse that affect a student-athlete's eligibility for practice or competition. Such team policies may be more stringent but cannot be more lenient than outlined in the policy.

i. First Positive Test

Written notification of the results will be made from the Drug Testing Coordinator to the student-athlete, head coach, Director of Athletics, compliance administrator, sport administrator, sport athletic trainer, Director of Sports Medicine and the supervisor of sports medicine. Parents/legal guardians will also be notified. Appropriate counseling and/or treatment will be determined and carried out. Continued regular drug testing will occur for a period of one (1) calendar year, at which time the student-athlete will return to random selection for institutional drug testing.

ii. Second Positive Test

Written notification of the results will be made from the Drug Testing Coordinator to the student-athlete, head coach, Director of Athletics, compliance administrator, sport administrator, sport athletic trainer, Director of Sports Medicine and the supervisor of sports medicine. Parents/legal guardians will also be notified. Appropriate counseling and/or treatment will be determined and carried out. Immediate suspension from 10% of that team's regular season competitions will occur immediately (see Table 2). If the suspension cannot be completed during the current competitive season, or if the second positive occurs while the student-athlete is not in competition, this suspension will be carried over/enforced during the next season of competition. Cost of attendance aid will be reduced by 50% for the next three (3) monthly scholarship checks. Continued regular drug testing will occur for a period of one (1) calendar year, at which time the student-athlete will return to random selection for institutional drug testing.

iii. Third Positive Test

Written notification of the results will be made from the Drug Testing Coordinator to the student-athlete, head coach, Director of Athletics, compliance administrator, sport administrator, sport athletic trainer, Director of Sports Medicine and the supervisor of sports medicine. Parents/legal guardians will also be notified. Appropriate counseling and/or treatment will be determined and carried out. Immediate suspension from 50% of that team's regular season competitions will occur immediately. If the suspension cannot be completed during the current competitive season, or if the positive test occurs while the

student-athlete is not in competition, this suspension will be carried over/enforced during the next season of competition. Cost of attendance aid will be reduced by 100% for the next six (6) monthly scholarship checks. Continued regular drug testing will occur for a period of one (1) calendar year, at which time the student-athlete will return to random selection for institutional drug testing. Additionally, team rules may include the reduction or cancellation of athletic financial aid after the third positive strike.

iv. Fourth Positive Test

Written notification of the results will be made from the Drug Testing Coordinator to the student-athlete, head coach, Director of Athletics, compliance administrator, sport administrator, sport athletic trainer, Director of Sports Medicine and the supervisor of sports medicine. The student-athlete and their parents/legal guardians will be notified in writing that he/she will be immediately and permanently suspended from all athletics participation with loss of financial aid.

d. Appeal Process

In accordance with NCAA rules, a student-athlete whose athletic aid is reduced or cancelled will be notified in writing of the opportunity for an appeal hearing. Within two (2) business days of receipt of written notification that athletic aid will be reduced or cancelled, the student-athlete may request an appeal, in writing, to the compliance administrator. The appeal should include all reasons why the sanctions should not be imposed or should be modified. The Director of Athletics will consider the request and must provide a written decision within seven (7) business days.

If the student-athlete believes that the results of any drug test are inaccurate, they can request to have the “B” sample tested at the same laboratory that tested the “A” sample.

If the Director of Athletics upholds the imposed sanctions, the compliance administrator will send the appeal request to the campus appeal committee, unless otherwise withdrawn by the student-athlete. The chair of the campus appeal committee will convene a hearing within seven (7) business days of receiving the request from compliance.

During the hearing, the student-athlete will have an opportunity to be heard and present evidence concerning the reported test results and the impending sanctions. The student-athlete may be accompanied by up to two support persons, including an attorney and/or one other person of his or her choice. The student athlete’s support persons may confer with one another and the student-athlete, but support persons will not be permitted to address the committee.

Written notification of the appeal committee's decision will be provided immediately following the hearing to the student-athlete, the Director of Athletics and the compliance administrator. The committee's decision will be final.

Current Policies for Employees

- A. State of Kansas Substance Abuse Policy** – The State of Kansas policy for substance abuse applies to all employees of the State.

It shall be the policy of the State of Kansas to maintain a workforce free of substance abuse.

1. *Reporting to work or performing work for the state while impaired by or under the influence of controlled substances or alcohol is prohibited.*
2. *The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace, or while the employee is on duty, official state business or stand-by-duty.*
3. *Violation of such prohibitions by an employee is considered conduct detrimental to state service and may result in a referral to the Employee Assistance Program or discipline in accordance with K.S.A. 75-2949d, or other appropriate administrative regulations.*
4. *Employees are required by federal law to notify the employing state agency head in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.*
 1. *An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above will be subject to discipline in accordance with K.S.A. 75-2949d, or other appropriate administrative regulations.*
 2. *A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury, or both, in any federal or state court.*

This Substance Abuse Policy went into effect May 31, 1989.

On the university's website for the Substance Abuse Policy (<http://www.k-state.edu/hcs/forms/substanceabuse.html>), there is a link to the Substance Abuse Policy Affirmation Form. The policy provides:

The Substance Abuse Policy Affirmation Form is required for all new employees appointed on or after the effective date of this policy. Refusal by a new employee to sign the Substance Abuse Policy Affirmation form should be documented by the employing state agency.

- B. General Misconduct Policies** – The University Handbook (Section C) and PPM (Chapter 4020) both provide for general sanctions for misconduct that apply to faculty and

unclassified professionals and University Support Staff. PPM 4020 specifically provides that a University Support Staff employee may be disciplined for being under the influence of drugs or alcohol while at work, in addition to other types of misconduct. These policies do not provide specific sanctions for violations related to drugs and alcohol; however, the policies do generally provide for a range of discipline for conduct that would constitute violation of the policies. The Division of Human Capital Services, which handles employee disciplinary matters, endeavors to ensure that sanctions for like-violations are imposed on a reasonable and consistent basis.

Current General University Policies

- A. Alcohol Cereal Malt Beverage policy** – This policy provides the following information for all students and employees:
- Definitions of types of alcohol cereal malt beverages as well as university property;
 - Where alcoholic beverages may be served on university property, along with the necessary approvals and permits required;
 - When and how alcohol beverages can be served at athletic events; registered for at least one course for any type of credit, except for continuing education units
 - Requirements regarding the possession and consumption of alcoholic beverages in university parking lots on football game days;
 - Requirements for how and when alcoholic beverages may be permitted at student organization events, activities, or meetings;
 - Summary of pertinent laws in the state of Kansas and the city of Manhattan.
- B. Smoking policy** –Smoking is a public health and fire hazard. Locations where smoking is allowed shall be restricted in order to prevent infringements upon others; and create and maintain an environment and culture that is in the best interests of the safety, health and well-being of all users of university property.

The smoking of cigarettes, cigars, pipes or burning tobacco in any other form or device, as well as the use of electronic cigarettes, vaporizers, hookah or other water pipe devices and all other related devices, is prohibited in university owned vehicles and on university property, except inside personal vehicles. University property includes, on all campuses: inside buildings and structures, outdoors, and within state-owned vehicles. Research investigating smoking is allowed in laboratories designated for that purpose with authorization granted by the Department of Environmental Health and Safety.

Violations of the smoking policy should be reported to the proper entity. Staff and faculty violations will follow the progressive discipline policies and students will be subject to the Student Code of Conduct.

This policy is effective June 1, 2018, and is in accordance with K.S.A 21-6109, et seq, and City of Manhattan Ordinance No. 6737. Violations of Kansas Statute and City Ordinances are punishable under applicable state and local laws.

Review of Mandatory Notifications

Notifications Regarding Alcohol and Other Drugs

The U.S. Department of Education requires that each institution must annually distribute in writing to each student and each employee:

- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the school's property or as a part of any of the school's activities;
- Descriptions of applicable legal sanctions under state, local, and federal law;
- Description of health risks of alcohol and other drugs;
- Description of available counseling, treatment, rehabilitation, or re-entry programs; and
- A clear statement that the school will impose sanctions for violations of the standards of conduct and a description of range of sanctions.

The important aspects to this requirement are as follows. First, the notification must be distributed in writing to each student and each employee. Second, the notification must contain all of the points listed above.

K-State has developed an email communication that contains all of these elements, notifies all members of the university community members through electronic communication, and maintains a record of these communications on the university website.

State of Kansas Substance Abuse Policy

Purpose

- Employees are the State of Kansas' most valuable resource and, therefore, their health and safety is of serious concern. The State of Kansas will not tolerate substance abuse or use which imperils the health and well-being of its employees or threatens its service to the public.
- The use of illegal drugs and abuse of controlled substances, on or off duty, is inconsistent with law abiding behavior expected of all citizens. Employees who use illegal drugs or abuse controlled substances or alcohol, on or off duty, tend to be less productive, less reliable and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in providing services. Ultimately, they threaten the state's ability to serve the public.
- Furthermore, employees have the right to work in a drug and alcohol-free environment and to work with persons free from the effects of drug or alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves, other employees and the public. In addition, substance abuse inflicts a terrible toll on the state's productive resources and the health and well-being of Kansas workers and their families.
- The State of Kansas is therefore committed to maintaining a safe and healthy workforce free from the influence of substance abuse. The state's goal is to help employees become drug free and return to the workforce as productive members. In addition, the State of Kansas will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988 and implement rules promulgated by the United States Office of Management and Budget.

Policy

It shall be the policy of the State of Kansas to maintain a workforce free of substance abuse.

1. Reporting to work or performing work for the state while impaired by or under the influence of controlled substances or alcohol is prohibited.
2. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace, or while the employee is on duty, official state business or stand-by-duty.
3. Violation of such prohibitions by an employee is considered conduct detrimental to state service and may result in a referral to the Employee Assistance Program or discipline in accordance with K.S.A. 75-2949d, or other appropriate administrative regulations.
4. Employees are required by federal law to notify the employing state agency head in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
 - a. An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above will be subject to discipline in accordance with K.S.A. 75- 2949d, or other appropriate administrative regulations.

- b. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury, or both, in any federal or state court.
5. Agencies that receive federal grants or contracts must, in turn, notify federal granting agencies in writing, within ten calendar days of receiving notice from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title to every grant officer or other designee on whose grant activity the convicted employee was working unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

Employees will be given a copy of the Substance Abuse Policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy.

The Substance Abuse Policy Affirmation Form is required for all new employees appointed on or after the effective date of this policy. Refusal by a new employee to sign the Substance Abuse Policy Affirmation form should be documented by the employing state agency.

Assistance Program

The [State of Kansas Employee Assistance Program](#) is available to state employees and their families for substance abuse education, counseling or rehabilitation. The State of Kansas encourages voluntary treatment for substance abuse. Use of the Employee Assistance Program is governed by [Division of Personnel Services Bulletin No. 97-01](#) and related civil service statutes and administrative regulations.

Americans Disability Act

An individual needing support or assistance may request a reasonable accommodation by contacting the Americans with Disabilities (ADA) Coordinator for assistance at 785.532.6227.

Awareness Program

The State of Kansas will strive to educate employees about the dangers of substance abuse.

The State of Kansas will establish a Substance Abuse Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The state will use the program in an ongoing educational effort to prevent and eliminate substance abuse that may affect the state workforce.

The Substance Abuse Awareness Program will contain provisions to inform employees about the (1) dangers of alcohol and drug abuse; (2) State of Kansas Substance Abuse Policy; (3) availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) sanctions the state will impose for violations of its Substance Abuse Policy.

Applicability

This Substance Abuse Policy applies to all state agencies. The term employees, as used in this Substance Abuse Policy, means all university support staff and unclassified state employees including student employees at the Regent's institutions. This policy shall not be construed to prohibit or limit the Drug Screening Program for designated positions authorized by K. S. A. 75-4362, K. S. A. 75-4363 and related administrative regulations and policies, or the Alcohol and Drug Testing Program for Commercial Drivers established by K. A .R. 1-2-20, 1-6-33, 1-9-25 and 1-9-26.

Effective Date

This Substance Abuse Policy is effective May 31, 1989.

Alcohol Cereal Malt Beverage Policy

The following are the university's requirements pertaining to alcoholic beverages. Requirements regarding service shall be construed also to pertain to possession and consumption.

.010 Definitions

"Alcoholic liquor" includes all alcoholic beverages, except cereal malt beverages containing 3.2% or less alcohol.

"Cereal malt beverage" means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, but does not include any such liquor which is more than 3.2% alcohol by weight. It is commonly known as 3.2% beer.

"Alcoholic beverages" includes both alcoholic liquor and cereal malt beverages.

"University property" includes real property that is owned or controlled by Kansas State University.

.020 Service of Alcoholic Beverages

The service of alcoholic beverages is not permitted on university property except in accordance with this policy. Service of alcoholic beverages is subject to the following requirements:

1. Alcoholic beverages may be served on university property only: (1) when approved by the President or the President's approval designee; and (2) when served in connection with official university events, fundraising activities for university programs, or other events or locations that further the university's mission.
2. The President's approval designees are:
 - a. For facilities operated by K-State Athletics, Inc. – KSA Board of Directors and Director of Athletics
 - b. For the K-State Student Union – Director of the K-State Student Union
 - c. For K-State Polytechnic – Dean of K-State Polytechnic

- d. For K-State-Olathe – CEO of K-State-Olathe
 - e. For non-Riley County locations controlled by K-State Research and Extension – the Director of KSRE
 - f. For all other K-State facilities – Assistant to the Chief Governmental Relations Officer, Office of the President
3. The sponsor or host organization should request approval at least 15 days in advance of any event at which alcoholic liquor is to be served. Each approval designee shall require the sponsor or host organization to complete the designated Alcoholic Beverage Request form. The applicable form can be found [here](#).
 4. The sponsor or host organization must arrange for the service of alcoholic beverages by a licensed, non-university, approved third-party caterer who carries insurance of at least \$1 million per occurrence/\$2 million aggregate regarding service of alcohol, and Kansas State University and the Kansas Board of Regents must be designated as additional insureds for the event. Caterers must hold an appropriate liquor license if the event is open to the public. Caterers must also agree to indemnify and hold harmless Kansas State University and the Kansas Board of Regents for any and all liability caused by the negligence of the server or caterer. JP's Sports Grill may serve alcoholic liquor without a third-party caterer, but only if it maintains the minimum required insurance coverage and obtains the required licensing. K-State Union Bowling Center may serve cereal malt beverages, but only if appropriate licensing is maintained.
 5. The licensed caterer used by the organization will be responsible for ensuring that no person under 21 years of age is allowed to consume alcoholic beverages at an event at which they are served. Non-alcoholic beverages and food shall be available in the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
 6. The sponsor or host organization should be aware that a temporary permit from the Director of Alcohol Beverage Control is needed when any one of the following circumstances exists:
 - a. The event is open to the public;
 - b. Attendees purchase alcoholic beverages; or
 - c. Individuals pay to attend the event, such as a dinner or reception, and receive alcoholic beverages in return for their payment.
 - d. No permit is needed when all of the following circumstances exist:
 - i. The event is by invitation only and is not open to the public; and
 - ii. Attendees do not purchase alcoholic beverages; and
 - iii. Attendees do not receive alcoholic beverages in return for a payment made to attend the event.
 7. Under state law, alcohol is permitted in state-owned residences furnished to state officers and employees, and this policy is not applicable.
 8. Non-classroom areas in the following buildings and their immediately adjacent outside

grounds are the only areas approved for the service of alcoholic liquor at Kansas State University. Those locations may be found [here](#).

9. Cereal malt beverages may be possessed or consumed (without going through the approval process) by those of legal age to possess and consume in private rooms and approved public areas of residence halls.

.030 Service of Alcoholic Beverages at Athletic Facilities

1. The Board of Directors of K-State Athletics, Inc. shall determine the appropriate sale, possession, or consumption of alcoholic liquor or cereal malt beverages at athletic facilities. The Board of Directors shall meet at least yearly to review and approve the scope of alcohol and cereal malt beverage use at athletic facilities, and the Board serves as the President's approval designee for this purpose. For specific events, the Director of Athletics shall serve as the President's approval designee. The current K-State Athletics Alcohol Policy can be found [here](#).
2. All sales of alcoholic liquor and cereal malt beverages shall be conducted by a third-party concessionaire (or its subsidiary) designated and/or approved by K-State Athletics, Inc. The concessionaire shall indemnify and hold harmless K-State Athletics, Inc., Kansas State University, the Kansas Board of Regents, and their agents and employees with respect to such sales. The concessionaire shall maintain liability insurance applicable to such sales in an amount determined by K-State Athletics, Inc.
3. Persons attending athletic events will not be permitted to bring in beverage containers. KSU police officers and athletic ticket takers will ask persons bringing beverage containers to the gates to leave them outside or return them to their private vehicles. Any containers found inside the athletic event/stadium will be confiscated.
4. Any disorderly person will be barred from entering an athletic event or will be evicted from the event at the discretion of Athletic Department employees or the KSU police.

.040 Parking Lots on Football Game Days

Alcoholic beverages may be possessed and consumed on football game days on university property used for football game day parking. Sale of alcoholic or cereal malt beverages in parking lots is strictly prohibited.

All possession and consumption of alcoholic or cereal malt beverages in game day parking lots must conform to the following:

1. All possession and consumption of alcohol and cereal malt beverages must be lawful. Persons under the legal drinking age are strictly prohibited from possessing or consuming alcohol or cereal malt beverages on university property.

2. Possession and consumption of alcohol and cereal malt beverages in parking lots may only take place on football game days.
3. Consistent with the requirements of this policy, tailgating activity that includes lawful consumption of alcohol and cereal malt beverages is permitted before and during football games on parking lots from five hours before kickoff until the end of the third quarter. Sale of alcoholic beverages in parking lots is prohibited. Containers of a capacity in excess of one gallon are not permitted. Consumption must take place from cups or unmarked containers – no glass. Individuals consuming alcoholic beverages at tailgates will be responsible for their conduct and that of their guests.
4. Non-alcoholic beverages and food must be available wherever alcohol or cereal malt beverages are consumed.
5. Any disorderly person will be barred from entering an athletic event or remaining on Athletics-operated property at the discretion of Athletics Department employees or KSU police. Disorderly persons will be evicted from other university property or parking lots at the discretion of KSU police.

.050 Alcohol Policy for Student Organizations

Notwithstanding any other part of this policy, the following restrictions apply to registered student organizations:

1. Departmental Student Organizations (“DSOs”) and persons acting on behalf of a DSO are not permitted to purchase alcoholic beverages, and they may not provide alcoholic beverages to any person.
2. Independent Student Organizations (“ISOs”) and persons acting on behalf of an ISO may not provide alcoholic beverages to any person on University property.

.060 Summary of Pertinent Laws

Kansas Law prohibits the following acts and makes violations of such acts punishable as misdemeanors. Depending upon the particular violation, punishments include substantial fines, performance of public service, jail sentences, and suspension, restriction, or revocation of drivers' licenses.

Among other matters it is unlawful:

- for persons under 21 years of age to obtain or purchase, or attempt to obtain or purchase, alcoholic liquor (6% beer, wine, hard liquor) or to possess or consume alcoholic liquor.
- to furnish alcoholic liquor or cereal malt beverages to any person under the legal age for consumption of such beverages.
- to provide alcoholic liquor to any person who is physically or mentally incapacitated by

the consumption of such liquor.

- for anyone to allow unlawful consumption of alcoholic liquor or cereal malt beverages on their property over which they have control.
- to sell or offer for sale whole or mixed drinks of alcoholic liquor or cereal malt beverages without a state issued license.
- to transport within access of the driver or passengers any alcoholic liquor or 3.2% beer to which the original cap, seal, package, or container has been removed (open container law). Exception--certain buses and recreational vehicles when not in the driver's compartment.
- to operate any vehicle within the State of Kansas under the influence of alcohol or drugs. A driver who has more than .08% alcohol (for persons under 21 years of age to operate a vehicle with more than .02% alcohol) in his or her blood is presumed to be under the influence. Less than .08% may be considered with other evidence to determine DUI. If an individual is found to be under the influence while operating a motor vehicle and a motor vehicle accident resulted in personal injury or death, that individual will not be eligible for a diversion agreement (i.e. community service, driver's school, etc. in place of incarceration in jail).
- to refuse to submit to tests for the presence of alcohol or drugs when lawfully requested to do so by a law enforcement officer. Such refusal will result in a loss of driver's license for one year.
- to display or possess a canceled, fictitious, fraudulently altered or fraudulently obtained identification card.
- to lend or permit the use of one's driver's license or identification card by another person.
- to, in any way, create a reproduction of a driver's license.

The City of Manhattan has adopted as city ordinances similar laws relating to the control of alcoholic liquor and cereal malt beverages. Further, under city ordinance among other matters it is unlawful:

- for persons under 18 years of age to remain in any tavern after the hour of 8:00 p.m. unless employed by the establishment or accompanied by a parent or guardian.
- to willfully disturb the peace and quiet of any person, family or neighborhood or to engage in disorderly conduct.
- to fail to depart from an unlawful assembly after being directed to do so by a law enforcement officer. An unlawful assembly is a meeting or coming together of five or more persons engaging in conduct which constitutes disorderly conduct, a riot, disturbing quietude or disturbing the peace.

.070 Questions

Questions relating to the information in this chapter should be directed to the University's Office of General Counsel, (785) 532-5730.