





STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

February 24, 1992

GASTON CAPERTON  
GOVERNOR

The Honorable Ken Hechler  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305


Dear Secretary Hechler:

In the absence of a Secretary of Education and the Arts, I hereby grant consent as required pursuant to West Virginia Code §5-2-2 for the promulgation of the following rules by the Board of Trustees of the University System:

- (1) Amending Interpretive Rule Title 128, Series 10  
Sabbatical Leave;
- (2) Amending Procedural Rule Title 128, Series 36,  
relating to Academic Freedom, Promotion and Tenure,  
Etc.; and
- (3) Amending Legislative Rule Title 128, Series 42,  
Alcoholic Beverages on the Campuses.

A copy of each rule is attached.

Very truly yours,

  
Thomas A. Heywood  
Chief of Staff

GC/lc

cc: Charles Manning  
John Thralls  
David Mohr  
JoAnn Raines

**TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 42**

Series 42 establishes guidelines relating to the possession or use of alcoholic beverages on the campuses. Revisions to the current policy include the addition of a Purpose Section (Section 2) and a Prohibition Section (Section 4) which prohibits the selling of alcoholic beverages to the general public during athletic events. Section 3 was amended to allow the president to approve on a case-by-case basis, the serving of wine, beer or other alcoholic beverages if consistent with specified rules.

TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 42

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TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 42

TITLE: ALCOHOLIC BEVERAGES ON THE CAMPUSES

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes guidelines relating to the possession or use of alcoholic beverages on the campuses.
- 1.2 Authority - W.Va. Code 18B-1-6
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - Repeals and Replaces Board of Regents Policy Bulletin No. 42, effective July 8, 1975.

SECTION 2. PURPOSE

- 2.1 It is not the purpose of this policy to promote or condone the possession or use of beer, wine or other alcoholic beverages on or in the University System property or facilities but to regulate such possession or use within strict guidelines.

SECTION 23. POLICY REQUIREMENTS

- 23.1 ~~Be it resolved, That~~ The possession or use of alcoholic beverages is prohibited on or in property or facilities (including student housing) of the ~~public~~ University System colleges and universities institutions except as hereafter provided:
  - 23.1.1 As allowed under the ~~policy of the Board of Regents adopted September 17, 1971, and published in Series Policy Bulletin No. 14~~ regarding the sale of nonintoxicating beer; ~~and~~
  - 23.1.2 In dwellings located thereon and occupied as a family residence; and

3.1.3        Where the serving of wine, beer or other alcoholic beverages is approved by the institutional president or his/her designee, on a case by case basis consistent with the following rules:

3.1.3.a        Wine, beer or other alcoholic beverages will never be the primary reason for the gathering.

3.1.3.b        The preponderance of those attending must be of legal drinking age.

3.1.3.c        No person under the legal drinking age will be served.

3.1.3.d        Alternative non-alcoholic beverages and food will be served.

3.1.3.e        No person under the age of 18 will be allowed to serve wine, beer or other alcoholic beverages, and servers must be appropriately trained to adhere to all laws and regulations regarding the serving of wine, beer or other alcoholic beverages.

3.1.3.f        No state funds will be used to purchase wine, beer or other alcoholic beverages.

#### SECTION 4.        PROHIBITIONS

4.1        The selling of beer, wine, or other alcoholic beverages to the general public during athletic events shall be prohibited.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: ALCOHOLIC BEVERAGES ON THE CAMPUSES

Type of Rule: X Legislative        Interpretive        Procedural

UNIVERSITY OF WEST VIRGINIA  
 Agency BOARD OF TRUSTEES Address 1018 Kanawha Blvd.,  
Suite 700, Charleston, WV 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	N/A	N/A	N/A	N/A	N/A
Current Expense	N/A	N/A	N/A	N/A	N/A
Repairs and Alterations	N/A	N/A	N/A	N/A	N/A
Equipment	N/A	N/A	N/A	N/A	N/A
Other	N/A	N/A	N/A	N/A	N/A

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

