October 28, 2010

MEMORANDUM

TO:        UH Hilo Campus Administrators, Faculty and Staff
FROM:      Marie Honda
           Director of Business Services
SUBJECT:   USE OF SPECIAL, REVOLVING AND ENDOWMENT FUNDS FOR MEALS, REFRESHMENTS AND PROTOCOL ITEMS

In accordance with Chancellor Straney’s memo dated August 19, 2010, authority to approve the OPRPM Form 136 has been delegated to the Vice Chancellor for Administrative Affairs. In an effort to streamline the approval process, please submit the completed OPRPM Form 136 to the Business Office for fiscal officer approval. The Business Office will then forward to the Vice Chancellor’s Office for final approval. Attached for your information is a flowchart detailing the approval process.

Effective October 12, 2010, Chancellor has approved for the campus an exception to A8.225, Limitations in Purchasing, that will allow for actual cost of tips up to 20% to be reimbursed. Any tip amount above 20% will need to be covered by personal funds. Currently, the Chancellor would have to approve each individual request.

Also attached for your information are guidelines for UH Hilo on the Use of Special, Revolving and Endowment funds for Meals, Refreshments and Protocol Items. Please refer to this guideline to ensure that the OPRPM Form 136 is completed correctly and all necessary documents are attached. This will help to expedite the approval process.

Please feel free to contact the Business Office should you have any questions.

Attachments
MEMORANDUM

TO:        Donald Straney, Ph.D.
            Chancellor

 VIA:       Debra Fitzsimons, Ph.D.
            Vice Chancellor for Administrative Affairs

 FROM:      Marie N. Honda
            Director of Business Services

SUBJECT:   Use of Special, Revolving and Endowment Funds:
            Exception to Cover Tips up to 20% of Meal Cost

Pursuant to Administrative Procedures A8.225 Limitations in Purchasing, we hereby request an exception to cover actual cost of tips up to 20% of meal charges with Special, Revolving and/or Endowment Funds units on the Hilo Campus. Currently each request has been individually approved by the Chancellor on the Form 136 however, with the delegation of authority to the Vice Chancellor for Administrative Affairs; we no longer have that approval. Therefore we are requesting this exception to streamline the process and ensure compliance with the University’s policies.

Approval of this request will also provide the Vice Chancellor for Administrative Affairs, the office granted with the authorization to approve requests utilizing Special, Revolving and/or revolving Funds for meals, refreshments and protocol items, the necessary guidelines to exercise consistency when reviewing and approving request submitted under OPRPM Form 136. This is the current practice at the University of Hawai‘i at Mānoa, this exception will allow for consistency at both campuses.

[Signature]
Donald Straney, Ph.D.    Date
Chancellor

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An Equal Opportunity/Affirmative Action Institution
H8.265.12 Use of Special, Revolving and Endowment Funds for Meals, Refreshments and Protocol Items

Expenditures for the purchase of meals, refreshments and protocol items using Special, Revolving or Endowment Funds must be:

1. Necessary
2. Reasonable in Cost
3. Appropriate to the University Function.

OPRPM Form 136 is to be completed and submitted in a timely manner with proper and sufficient details to justify and substantiate the appropriateness of the expenditures. The following is a list of items to be attached to Form 136:

1. A listing of all individuals for whom such items are provided
2. Documentation of event (copy of the flier, invitation or announcement of the University function/activity)
3. Other supporting documents (receipts, invoices, etc.).

In cases whereby events are open to the community, students and/or public, University programs will not be required to submit a listing of individuals (#1 above) but should include the necessary back-up documents (#2 & #3 above).

All requests are to include the signatures of the appropriate Dean/Director as the Requesting Official. Submit the completed request to the Business Office (please allow the Business Office five (5) working days for proper review), the Business Office will review and forward for final approval to the Chancellor/Designee. Responsibility to approve a request to utilize Special, Revolving and Endowment Funds for such purchases is delegated to the Vice Chancellor for Administration Affairs and authorized designees. However, the Chancellor, VC, Deans/Directors and their designees may not approve their own expenditures of this nature.

In the event that a request is not approved, the Requesting Official will need to seek other means of funding and/or will be personally responsible for any costs incurred.

All purchases of meals, refreshments and protocol items shall be made in accordance with APM A8.265 Specialized Purchasing.

Alcoholic beverages shall not be authorized unless approval is granted pursuant to Executive Policies: E11.102 Authority to Approve Requests to Sell or Serve Alcoholic Beverages and E11.202 Management and Regulation of the Sale, Service and Consumption of Alcoholic Beverages on University Premises.

Pursuant to Administrative Procedures A8.225 Limitations in Purchasing, an exception to cover actual cost of tips up to 20% of the authorized meal charge with Special, Revolving and/or Endowment Funds has been granted for units on the Manoa Campus by the Chancellor per Memorandum dated October 12, 2010. Any tip charges in excess of 20% of the meal cost will not be covered.
OPRPM Form 136 Approval Routing Process

Requesting Official Completes the Form 136 in accordance with APM A8265.12

Departmental Signature: Dean/Director

Form 136 is forwarded to the Business Office for Fiscal Officer review and approval. Business Office shall forward to VC for Admin Affairs/Designee for final review.

Vice Chancellor for Administrative Affairs reviews and final approves.

Original Form 136 is returned to the Requesting Official.

Original Form 136 is attached to the Requisition, P-Card Transaction, or other applicable document and sent to the Business Office for processing.

UHH Business Services
September 2010
Memorandum

TO: President, Vice President, Chancellor, or Designee

VIA: Name of Fiscal Officer

FROM: Name of Requesting Official

SUBJECT: Purchase of Meals, Refreshments, and Protocol Items with Special, Revolving and/or Endowment Funds

The ___________________________ (Department or Program) desires to purchase meals, refreshments, and/or protocol items under ___________________________ (Purchase Order or Contract No.) with funds derived from the designated Special, Revolving and/or Endowment Fund ( ___________________________ (Account/Campus Code)) for ___________________________ (Identify Function)

COMPLETE THE FOLLOWING AND ATTACH SUPPORTING DOCUMENTATION (attach additional pages if necessary):

Description of the items to be purchased:


Justification for the purchase and explanation of how the purchase benefits the University program:


Names of individuals for whom meals, refreshments and protocol items are being provided, if applicable:


Amount of Purchase:

Vendor Name and Address:

Reviewed By:

Signature of Fiscal Officer ___________________________ Date ___________________________

Approved By:

Signature of President, Vice President, Chancellor or Designee ___________________________ Date ___________________________
5) Whenever possible, rental requirements for similar equipment should be consolidated into one rental agreement. Rental requirements for similar equipment may be added to existing agreements provided that the cost of the addition is pro-rated for the remaining term of the agreement.

12. **Meals and Refreshments**

   a. **General**

      Occasionally, departments will have programs, seminars, conferences, workshops or similar functions where refreshments or meals will be served. Public funds shall not be expended for purchase of meals or refreshments except as provided in paragraph b, Guidelines, below. Alcoholic beverages shall not be authorized as refreshments unless approval is granted pursuant to Executive Policies E11.102 and E11.202.

   b. **Guidelines**

      Meals and/or refreshments may be paid for with University controlled funds in the following situations:

      1) Where tuition or fees collected specifically include the cost of meals and/or refreshments;

      2) Where legislative appropriations specifically allow expenditures for meals and/or refreshments or where it is evident that the cost thereof has been approved through legislative recognition when appropriations were made or through legislative resolution or expression, including committee report;

      3) Where the terms and conditions of the grant or contract specifically provide for payment of meals and/or refreshments;

      4) Where the President, Vice Presidents, or Chancellors sponsor and present an employee retirement recognition ceremony, for which such cost shall be no less than $6.00 and no more than $15.00 per person; or
5) Where the purchase of meals and/or refreshments utilize special, revolving and/or endowment funds (unless expressly precluded by the terms and conditions of the fund) and are for University events and activities excluding internal University staff meetings, training sessions, and similar activities; provided that the purchase is:

a) necessary, reasonable in cost, and appropriate to the particular University event or function; and

b) approved by the President, a Vice President, Chancellor, or their designees.

c. Procedure

Programs serving meals and/or refreshments in accordance with the exceptions (1) through (4) must complete OPRPM Form 56 (Attachment 265.3) and OPRPM Form 136 (Attachment 265.4) for exception (5). These forms should be retained in the procurement file.

d. Others

This section does not cover meals provided under:

1) Collective bargaining agreements; and

2) Out-service training programs

Any circumstances not covered in this section should be submitted to the OPRPM via the fiscal officer for evaluation. The department's requests should include sufficient documentation upon which a determination may be made regarding whether the expenditure is justified and the conditions upon which approval should be given. The request should be submitted in ample time for evaluation and processing prior to the event.

13. Motor Vehicles

a. For all vehicle purchases and vehicle leases, University programs shall complete and submit the
computers, research equipment, air conditioning, refrigerators, freezers, stoves, microwave ovens, etc.

c. **Auxiliary Services (Manoa Campus)**

Auxiliary Services provides and/or manages the following services for programs on the Manoa Campus:

1) Parking;
2) Transportation Services;
3) Duplicating Services;
4) Food Services;
5) Faculty Housing; and
6) Campus Mail.

Requests for the above services shall be directed to Auxiliary Services. Purchase orders for these services shall not be issued to commercial vendors unless authorized by Auxiliary Services.

22. **Legal Services**

All requests to retain attorneys to provide legal services to the University shall be submitted for review and processing by the Office of the University General Counsel.

23. **Unusual Purchases**

Certain "unusual purchases" could be construed as appropriate purchases, depending on the function of the program and on the circumstances. In any case, the expenditure must conform to standards of propriety and legality. In carrying out this responsibility, the fiscal officer must determine if a particular expenditure is a bona fide business expense of a department's program and whether the expenditure is allowable under existing University policies and procedures. A particular expenditure may be an appropriate charge for one program but an inappropriate charge for another program. Determinations by the fiscal officers should be based largely on the function of the program, as well as on the circumstances surrounding a particular expenditure which
would not otherwise be considered a bona fide business expense. These "unusual purchases" may include but shall not be limited to: recognition awards, certificates, plaques or trophies to students or non-University individuals or groups; printed t-shirts for various programs; nominal incentives to research subjects; perpetual awards to University employees which will be displayed in University facilities; frames for certificates, documents, or pictures for presentation to students or non-University individuals or groups or displays in University facilities; promotional banners; engraved plates for displays in University facilities; promotional items to enhance the image of the various campuses, e.g., imprinted binders, calendars, mugs, pens, pencils, visors, caps, bumper stickers, decals, squeeze bottles, memo holders, letter openers, printed stickers; uniforms for athletic team members and coaches; signs.

The above itemization is not intended to be exhaustive. Purchases and payments for the above described items as well as any other expenditures deemed appropriate by the fiscal officer may be approved by the fiscal officer if the amount is within the fiscal officer's purchasing authority.

For the purchase of protocol items utilizing special, revolving and/or endowment funds, OPRPM Form 136, Purchase of Meals, Refreshments, and Protocol Items with Special, Revolving and/or Endowment Funds (Attachment 265.4), should be completed and retained in the procurement file.
Prepared by Vice President for
Student Affairs and Director of
Planning and Policy.
This is a new Policy.

UNIVERSITY OF HAWAI‘I

EXECUTIVE POLICY - DELEGATION OF AUTHORITY August 1989

E11.102 Authority to Approve Requests to Sell or Serve Alcoholic Beverages

Source of Delegation:

Board of Regents Bylaws and Policies, Section 11-3.

Authority Delegated To:

Chancellors and Mānoa Deans and Directors

Effective Date of Delegation:

August 1, 1989

DELEGATION

Delegates authority to approve requests to serve or sell alcoholic beverages on University premises or at activities sponsored by University organizations or units, in accordance with the provisions of Section 11-3 of the Board of Regents Bylaws and Policies. The executive officers listed above shall exercise this authority consistent with the requirements contained in Executive Policy E11.202. At UH Mānoa, the Dean of Student Services is the designated official who will receive and act on all requests related to the sale or service of alcoholic beverages by students.

Each executive exercising this delegation must see to the development of procedures and necessary forms designed to exercise reasonable control over the sale, service, and consumption of alcoholic beverages thereby ensuring comportment with applicable state laws, reduction of the University's liability exposure in alcohol related accidents, and establishment of a positive context for responsible alcohol use by all segments of the University community. A summary of the exercise of this authority, including a list of all approved alcohol-related events, shall be maintained by each executive authorized to approve such activities.

In accordance with this delegation, the Chancellor for Community Colleges and the Chancellor for UH Hilo and UH West Oahu may redelegate this authority to Provosts or Deans.
E11.202  Management and Regulation of the Sale, Service and Consumption of Alcoholic Beverages on University Premises

I.  INTRODUCTION

This Executive Policy implements Section 11-3 of the Board of Regents' Bylaws and Policies, governing the sale and consumption of liquor. This policy authorizes the President to establish policies under which the sale, service or consumption of alcoholic beverages may be permitted on each campus of the University of Hawai'i.

The University encourages the development of continuing programs for students and other members of the academic community regarding the responsible use of alcoholic beverages.

II.  OBJECTIVES

The objectives of this policy are to:

(1) Implement Section 11-3 of the Board of Regents' Bylaws and Policies, by specifying systemwide policies and procedures governing the sale, service, and consumption of alcoholic beverages on University premises.

(2) Insure that the general use of alcoholic beverages on University premises comports with all applicable state laws.

(3) Reduce the University's liability exposure.

(4) Establish a positive context for the responsible use of alcoholic beverages on University premises.

III.  POLICIES

A.  Applicability: This policy governs the consumption of alcoholic beverages on premises under the administration of the University of Hawai'i and at off-campus locations used by University organizations or units sponsoring activities at which alcoholic beverages are sold or served. In all instances where consumption
is permitted, the sponsoring persons or organizations, whether they be connected with the University or not, are responsible for compliance with all applicable laws and University policies and regulations. Individuals or organizations in violation thereof may be subject to appropriate sanctions.

This policy does not cover the sale, service and consumption of alcoholic beverages at such special University facilities as College Hill, the baseball stadium, oceanographic vessels, observatories and other similar facilities where special policies exist.

The President, at the President's discretion, may exempt other facilities or events from the purview of this regulation.

B. Definitions: As used in this policy:
"Alcoholic Beverage" includes alcohol, liquor, brandy, malt liquor, whiskey, rum, gin, okolehao, sake, beer, ale, wine, or any beverage containing one-half of one percent or more of alcohol by volume.

"The chief executive officer of each campus" means the President at Mānoa, the Chancellor at Hilo and West Oahu, and the Provost at each community college.

"Consideration" means money, tickets, tokens or chits that have been issued in exchange for money or anything else of value.

"President" means the President of the University of Hawaii or the President's designee.

"Private consumption" means those circumstances and situations where individuals or small groups of individuals drink alcoholic beverages in the privacy of their on-campus office, conference room, or residence hall room.

"Sale" means to provide or deliver alcoholic beverages for value or in any other way than purely gratuitously. Sale also includes those situations where an admission or entry charge to an event or activity entitles the purchaser to alcoholic beverages.

"Service" means those circumstances and situations where an individual or organization provides alcoholic beverages to others at an established time and place without receiving compensation from consumers of the beverage.

C. Adherence to State Laws: The use of alcoholic beverages on University of Hawai'i premises shall be in accordance with all applicable State laws. Major laws are highlighted below in an
abbreviated form for general use only. It is the responsibility of both the server and consumer of alcoholic beverages to be aware of and abide by all existing laws and regulations.

1. It is unlawful to consume alcoholic beverages on any public highway or any public sidewalk (§281-78, HRS).

2. It is unlawful for a licensee to sell or furnish alcoholic beverages to: any person under twenty-one years of age; any person under the influence of liquor; any person known to be addicted to excessive use of intoxicating liquor; or any person for consumption in any vehicle on the licensed premises (§281-78, HRS).

3. It is unlawful to permit the sale or service of liquor by any person eighteen to twenty years of age except where such selling or serving is a part of that person's employment and proper supervision is available to ensure that the minor does not consume any liquor (§281-78, HRS).

4. It is unlawful for liquor to be sold or served by a person below the age of eighteen upon any licensed premises except in such individually licensed establishments found suitable by the liquor commission for job training and employment for dining room waiters and waitresses in cooperation with the University of Hawai‘i (§281-78, HRS).

5. It is unlawful for any individual or licensee to sell or offer for sale, deliver or give any alcoholic beverage to a minor, or permit a minor to possess intoxicating liquor while on property under his or her control. (§712-1250.5(1), HRS).

D. General Guidelines: The following general guidelines cover the sale, service, consumption and possession of alcoholic beverages on University of Hawai‘i premises.

1. The service of alcoholic beverages at any University-sponsored or University-connected function, event or activity must have official approval prior to the event. Such approval shall be granted by the chief executive officer of each campus or by an authorized designee. It is the prerogative of the University to deny any such request.

2. Alcoholic beverages may not be served in any classroom or laboratory.

3. The sale, service, consumption or possession of alcoholic beverages on University of Hawai‘i premises shall be in accordance with the applicable laws and shall be permitted only in the following areas:
a. Individual dormitory rooms or residences occupied by those twenty-one years of age or older. The responsibility for the conduct or behavior of all persons involved in drinking alcoholic beverages in this private room rests with the occupant who is twenty-one years of age or older;

b. Areas specifically designated by the University for a particular function not open to the public;

c. Private offices or private spaces where a social function or small meeting is being held with the approval and in the presence of an appropriate University official or faculty member;

d. Areas, properties or establishments lawfully licensed to sell or serve alcoholic beverages; and

e. Off-campus locations used by campus organizations or units sponsoring activities, subject to the regulations of the facilities being used.

4. Alcoholic beverages may be sold or exchanged for consideration only with an appropriate license from the liquor commission. A beverage service contractor must obtain and display its license to sell alcoholic beverages on University premises.

5. Whenever alcoholic beverages are served, non-alcoholic beverages must also be made available.

6. Alcoholic beverages shall only be served or sold by persons who are at least twenty-one years of age except where such serving or selling is part of the employment of the person, provided proper supervision is available to ensure that the minor person does not consume any liquor and the establishment is licensed and found suitable by the liquor commission for job training for waiters and waitresses in cooperation with the University of Hawai'i.

7. Attendance at events held on University premises at which alcoholic beverages are served is limited to members of the sponsoring organization or unit and their guests.

8. Individuals attending events held on University premises at which alcoholic beverages are served, are prohibited from bringing their own alcoholic beverages.

9. Sponsors of events held on University premises at which alcoholic beverages are served, shall end the service or sale
of alcoholic beverages in advance of the scheduled time of completion of the activity sufficient to promote the safety of the participants. It is suggested that the service or sale of alcoholic beverages be terminated at least one hour before the conclusion of the event.

E. Liability: Individuals representing organizations, units, or groups sponsoring activities at which alcoholic beverages are to be sold or served should be aware of their potential liability and other consequences incurred by them and their organization in the event a lawsuit is filed. It is recommended that liability insurance be purchased before the service or sale of alcoholic beverages is approved. (Also see requirements contained in Administrative Procedure A8.370, Risk Management Guidelines and Procedures.)

In approving any request relating to the service, sale or consumption of alcoholic beverages at any University function, event, or activity, the chief executive officer at each campus, or any authorized designee, may require a release of University liability or indemnification.

F. Sanctions: Violations of this Executive Policy shall be subject to the following:

1. Functions, activities or events shall be canceled and all alcoholic beverages shall be removed from the premises. Confiscated alcoholic beverages may be returned on the following work day upon proper application to campus officials.

2. Individuals or organizations involved in such violations may forfeit future use of University facilities.

3. Individual violators may be referred to legal authorities for investigation and arrest.

4. Student violators may be disciplined under the Student Conduct Code.

IV. ADMINISTRATIVE PROCEDURES

A. Approval: Functions where alcoholic beverages are served must be sponsored by an official campus unit, registered student or campus organization, or college organization recognized by an appropriate Dean or Director. Any request to approve the sale, service or consumption of alcoholic beverages must be submitted by at least two individuals representing the sponsoring organization or group. These individuals shall agree in writing to comply with this
executive policy and accept personal responsibility for the function.

1. The requesters must submit their request on such forms as each campus may make available for this purpose in accordance with campus deadlines.

2. Upon receipt of a properly completed request, the chief executive officer of each campus, or an authorized designee, shall review the function for approval. Each request shall be considered individually. Campuses may impose any additional requirements that may be deemed desirable or prudent prior to approving any request.

3. A request for approval shall not be required for the private consumption of alcoholic beverages as defined and provided for in this policy.

B. **Control of Function:** Individuals and organizations sponsoring functions or events at which alcoholic beverages are sold, served or consumed shall be responsible for the following:

1. Compliance with this executive policy;

2. Adequate control to ensure that all persons being served alcoholic beverages are at least twenty-one years of age by requiring positive proof of age;

3. Denial of sale or service to individuals who are obviously intoxicated or who appear to be turning over alcoholic beverages to persons under twenty-one years of age; and

4. Termination of the sale and service of all alcoholic beverages must be in advance of the scheduled time of the activity sufficient to promote the safety of participants. It is suggested that the service or sale of alcoholic beverages be terminated at least one hour before the conclusion of the event.

C. **Advertising:** No advertising or invitations to any function requiring approval by the chief executive officer of the campus, or an authorized designee, may be circulated until final approval for the event has been given.

When advertising an approved function the following shall apply:

1. Functions or events shall not be advertised in any way that implies or suggests that the activity is open to the public.

2. Advertisements may mention the sale, service or consumption of alcoholic beverages only if it is specified that:
a. Non-alcoholic beverages will also be served; and b. Positive age identification will be required.

3. No advertisement or invitation shall state or imply "all you can drink," "Everyone may drink," or "Open to the public."

4. The name of the approved sponsoring organization shall be included on all advertisements or invitations.