

Alcohol Consumption Overseas by US Students Under 21

Many institutions with study abroad programs face the question of whether travelers under 21 should be permitted to consume alcohol in countries outside the US that have a lower drinking age or no age restrictions on alcohol consumption. The same question, applicable to travelers of any age, may arise for drug use that is legal in other countries.

Institutions take varying approaches to this matter, and some relevant considerations are outlined below. Whatever approach your institution takes, three factors remain important for liability purposes:

- Explain your approach in writing to students and, as appropriate, their parents
- Enforce your policy consistently
- Include information about your policy in your release or waiver form that students (and, as appropriate, parents) sign. Shift to students the full responsibility for the consequences of their alcohol or drug use.

Arguments Against Permitting Underage Students to Consume Alcohol

Students who have grown up in the US are not acculturated to the alcohol use patterns of other countries. Freed of the constraints of US laws, they may be both tempted to overindulge and also inexperienced with the effects of alcohol. Alcohol will be readily available, and the alcohol content will probably be higher than in the US. American students drinking in a foreign bar may be plied with drinks by a bartender more concerned with profits than with student safety. Laws regulating the serving of alcohol, and the liability of servers, may differ from those in the US.

An impaired student can take inappropriate risks ranging from crossing the street inattentively to swimming in the ocean at night. He or she can be a target for criminal activity such as theft or assault and also more likely to commit assault against others. An impaired student poses obvious risks behind the wheel. These factors all counsel against permitting underage students to consume alcohol overseas.

Arguments in Favor of Permitting Underage Students to Consume Alcohol

In many other cultures, alcohol consumption is a normal part of growing up. In some European and South American countries, for example, even young children may sip wine with dinner or at a party. American students who are permitted to drink will fit into social

situations with greater ease and more fully experience the country's culture. They will not face the awkwardness of declining alcohol if it might be offered to them. If alcohol is readily available in the country, and students have unsupervised time, the institution may have difficulty enforcing a prohibition.

Some Ideas to Consider

Whether your approach is one of prohibition or permission, one or more of these ideas may be useful to you:

- Develop your policy in consultation with campus officials who are responsible for student health, safety, counseling, legal compliance, and study abroad programs. Try to make the policy consistent with other messages you give to students on campus about drug and alcohol use.
- Provide information about the alcohol and drug laws in the countries they will be visiting to all travelers, both under and over 21.
- Consult with counsel about whether permitting alcohol or drug use overseas would violate the Drug-Free Schools and Campuses Act. This law requires institutions of higher education that receive federal funds to certify that they have adopted programs to prevent the "unlawful" possession, use, or distribution of illicit drugs and alcohol by students and employees. The Department of Education, which administers the Act, has not taken a position on whether overseas alcohol and drug use that is illegal in the US but legal in the country in which it occurs violates the Act. Expert opinion on this question varies. See two articles from the SAFETI Clearinghouse on-line newsletter. Joel Epstein, "Study Abroad Programs: No Respite from the Drug Free Schools and Campuses Act," (vol. 1 #1, Fall 1999-Winter 2000) and "A Discussion About Alcohol and Student Exchange" by Joel Epstein and Gary Rhodes (vol. 1 #2, Spring-Summer 2000). www.usc.edu/dept/education/globaled/safeti
- Distribute the State Department's drug warnings, available at http://travel.state.gov/drug_warning.html
- Prohibit excessive consumption of alcohol and prohibit public inebriation. These restrictions will apply to travelers over 21 and, if you permit underage drinking, to younger students.
- If you decide to permit (or tolerate) underage drinking for students within some age range under 21, consider adding some explicit cautions or restrictions. These might include: no consumption in dormitories or other university facilities; no consumption in bars or other establishments that exist primarily to serve alcohol; someone over 21 is present at all times; no hard liquor; food must be available; and wine or beer is limited to 1 drink every 3 or 4 hours. These constraints or others may be appropriate to your needs.

- Before leaving on a trip, consider checking whether any traveler has had campus problems with alcohol or drugs. Inquire of knowledgeable campus officials or ask the students to disclose any relevant disciplinary violations. If a student appears to lack judgment about alcohol consumption, consider special warnings, prohibitions, or monitoring for that individual. If you find evidence of past problems, be sure to act on it. Don't ignore known clues that a student may be irresponsible.