

NOTICE OF NEW REGULATION

August 17, 2007

REGULATION TITLE:

Use of Alcoholic Beverages on University Premises

REGULATION NO.:

FGCU-PR9.002

SUMMARY:

This new regulation is being proposed to regulate the use of alcoholic beverages on the University's premises

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

AUTHORITY:

Board of Governors Resolution dated January 7, 2003

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Dr. Judi Gibbons, Associate Director, Student Affairs

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Dr. J. Michael Rollo, Vice President of Student Affairs

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Jennifer Baker, Administrative Legal Assistant, jforbes@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE FRIDAY, AUGUST 31, 2007, BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE: ON OR BEFORE AUGUST 17, 2007.

FGCU-PR9.002 Use of Alcoholic Beverages on University Premises

(1) General: The University endeavors to maintain an environment conducive to teaching and learning and to personal and professional growth. Irresponsible use of alcoholic beverages is detrimental to this goal. This regulation establishes practices and procedures to discourage irresponsible use of alcoholic beverages and ensure compliance with local, state and federal laws by all groups and individuals on University premises, defined as property under the ownership or control of the University. For purposes of this regulation, the term *alcoholic beverages* means beer and wine, but excludes distilled spirits.

(2) Distilled Spirits: The service, sale, possession or consumption of distilled spirits or beverages containing distilled spirits on University premises or at university functions is prohibited, except as specifically permitted by the President or his/her designee. This does not prohibit the lawful use of alcoholic beverages other than beer and wine in residences, consistent with Florida law.

(3) Possession and Consumption of Alcoholic Beverages: Possession and consumption of alcoholic beverages on University premises shall comply with federal and state laws, local ordinances and the following University regulations.

(a) Possession of alcoholic beverages in unauthorized areas is prohibited.

(b) The university will contract with licensed and insured vendors who will serve all alcoholic beverages on campus.

(c) Persons must be 21 years of age to be served, buy, possess, or consume alcoholic beverages while on University premises or at university functions.

Each student, group or organization which serves or consumes alcoholic beverages on

University premises or at university functions is responsible for insuring compliance with federal and state laws, local ordinances and this regulation and state and local laws and regulations concerning the service, possession and consumption of alcoholic beverages.

Consumption of alcoholic beverages by any student, employee or other person, to or beyond the point of intoxication and whose behavior violates the provisions of Section 856.011(1), F.S., shall be grounds for disciplinary action and possible arrest.

(d) Prior approval must be obtained in order to serve alcoholic beverages at organized and properly scheduled programs or activities held on University premises.

1. Student groups shall obtain approval to serve alcoholic beverages from the Office of the Vice President of Student Affairs in accordance with the guidelines of the Student Guidebook, the Student Code of Conduct, and (e), below.

2. Non-student organizations shall obtain approval to serve alcoholic beverages from the Vice President for Administrative Services and Finance in accordance with guidelines in (e) and (f) below.

(e) Conditions for the Service, Possession or Consumption of Alcoholic Beverages: The following conditions shall apply to every student, faculty, staff member, group or organization which is granted approval to serve, possess, or consume alcoholic beverages on University premises or at University functions.

1. Advertisements for events at which alcoholic beverages will be served, shall not refer to the quantity that will be available, nor shall the reference to alcoholic beverages be prominently displayed.

Alcohol may only be procured and served at events by a university contracted vendor.

2. Non-alcoholic beverages and food must also be provided in sufficient quantities for persons who may desire them.

3. A printed sign shall be prominently displayed at each event which reads:

NO ALCOHOL SERVED TO MINORS
PROOF OF AGE REQUIRED
WE RESERVE THE RIGHT TO DENY SERVICE

4. Alcoholic beverages may not be used as prizes or awards for any event nor shall there be any competitions or contests at an event which involves alcoholic beverages.

5. No one under the age of 18 may be involved in checking identification for service of alcoholic beverages.

6. As a condition of approval, the sponsoring individual, group or organization shall be responsible for the costs or any required Campus Police and Safety Department officers for the event.

7. Responsible consumption of alcohol shall be encouraged and alcohol service shall be terminated one hour prior to the end of an event.

(f) Procedures for Obtaining Approval:

1. Any person, group or organization seeking permission to serve alcoholic beverages on University premises or at University functions shall file an application on Form number FCC #005 (9/97), which is incorporated by reference into this regulation. The form may be obtained from Campus Reservations, and should be signed by all approving authorities designated in section (3)(d) of this regulation. The approving authority or designee shall insure that all information required on the form is provided, that the request will not conflict with any other University activity and that the following conditions are met:

a. The person, group or organization has not been previously found in violation of state or local laws or University regulations regarding the service of alcoholic beverages;

b. The person, group or organization has sponsored no more than six (6) events in the last calendar year where alcoholic beverages have been served or as approved by the appropriate authority as designated in (3)(d) of this regulation; and

c. Approval for service of alcoholic beverages has been given by a faculty/staff advisor, the Director of Public Safety or designee, and Campus Reservations;

d. Adequate safeguards have been taken to insure responsible use and service of alcoholic beverages, which may include, as a condition for approval, the requirement for hiring off-duty officers as security.

e. An agreement to bear responsibility for all damage or injury to University property or premises which results from the service and consumption of alcoholic beverages at the event is signed by the sponsoring individual, group or their agent.

2. The approving authority shall retain a copy of form FCC #005 and instruct the person, group or organization to post the original form on-site during the event.

3. Penalty for Violations: Any University-related person, group or organization which is found to be in violation of this regulation shall be subject to disciplinary action;

In the case of non-university related persons, groups or organizations, a violation of this regulation or of federal, state or local law shall result in loss of the privilege to use University premises and facilities.

Action by Florida Gulf Coast University Board of Trustees:

Approved: September 19, 2007

Effective Date of Regulation:

Approved: September 19, 2007

History of Regulation:

New