

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION NO.: FIU-2505

REGULATION TITLE: Alcoholic Beverages

SUMMARY: This Regulation governs the responsible and permissible possession, service, sale, consumption, and distribution of alcohol at Florida International University. The proposed changes include removal of specified locations where service and sale of alcohol is permitted to allow for applicability to all university premises as defined in this regulation, addition of applicable definitions, update to the title of the Senior Vice President of Academic & Student Affairs, and improvements to the request and approval process.

TEXT OF REGULATION: The full text of the proposed regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu/>. If you would like a copy of the proposed regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, (305) 348-2103, devillee@fiu.edu.

AUTHORITY: Art. IX, section 7, Florida Constitution and Board of Governors Regulation 1.001.

NAME OF PERSON INITIATING PROPOSED REGULATION: Dr. Elizabeth Bejar, Senior Vice President, Academic and Student Affairs.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION:

Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8 Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Phone: (305) 348-2103, Fax: (305) 348-3272.

DATE OF PUBLICATION: May 17, 2019

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW.

FIU-2505 Alcoholic Beverages

~~(1) GENERAL REQUIREMENTS.~~

~~(a)~~ This regulation ~~shall govern~~ governs the responsible and permissible possession, service, sale, consumption, and distribution of alcohol at ~~all~~ Florida International University ~~sponsored~~ (FIU or University) including, but not limited to, University events ~~and~~ activities; ~~at all property, facilities operated under, and academic courses. This regulation will ensure the jurisdiction~~ health, safety, and well-being of the all members of our community. University; ~~to any, and all students, faculty, staff and students of the University, and their guests attending such events~~ community members are subject to all applicable laws, rules, ordinances, and activities.

1. ~~(b) All activities, locations~~ regulations regarding the possession, service, sale, consumption, and individuals, referenced above, shall be governed by, and held accountable to the most stringent requirements ~~distribution of the appropriate state and federal laws, local county ordinances regarding alcohol, and/or this University regulation.~~

~~(c)~~

2. Definitions:

a. ~~1.~~ The term “alcohol” or “alcoholic beverage”, as used in this regulation, includes beer, wine, hard liquor, distilled spirits, mixed drinks, and other beverages containing ethyl alcohol.

b. ~~2.~~ The term “sponsored by”, as used in this regulation, includes all events and activities; ~~on or off~~ University Premises, as defined below, supported wholly or in part through funding, services or resources of any University budget entity.

c. ~~3.~~ The term “individual”, as used in this regulation, includes any employee, faculty, student, volunteer, vendor, or guest to University premises, volunteer or agent of the University, and their invited guests.

d. ~~4.~~ The term “University premises”, as used in this regulation, includes any facility, vessel, vehicle or real estate, whether owned, leased, rented or temporarily assigned, which is managed and operated under the authority of the University or an authorized agent of the University.

e. ~~(d)~~ The term “event”, as used in this regulation, is a function on University premises which is either publicized, open to the general public or broader campus community.

i. The term “tailgate events”, as used in this regulation, is approved gatherings occurring in University designated areas which shall be restricted to specifically designated locations prior, during, and after athletic events, as determined by the Senior Vice President of Academic and Student Affairs or designee, under the supervision of the FIU Police Department.

f. The term “event organizer”, as used in this regulation is any individual, department, or entity who manages, coordinates, or hosts an Event.

3. No individual under the legal drinking age (~~minimum of~~ 21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises, unless ~~specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age~~ expressly permitted in this Regulation.

~~(e)~~

4. No individual may serve or otherwise provide alcohol, ~~for consumption,~~ to individuals under the legal drinking age ~~of~~ on University premises unless expressly permitted in this Regulation.

5. Alcohol may be provided to students under the legal drinking age, but at least 18 years of age, enrolled in an approved and supervised course by the course faculty member where the tasting of alcohol is a required component of the course. The student under the legal drinking age in possession of the alcohol is only permitted to taste, but not consume the alcohol. The course faculty member must be at least 21 years ~~of age and remain in possession and control of the alcohol.~~

~~(2) SERVICE, SALE AND DISTRIBUTION.~~

~~(a) Where all other regulation requirements have been satisfied, the approval process for the service, sale or distribution of alcohol on University premises shall be as follows:~~

~~1. A~~

6. Requests to serve, sell, or distribute alcohol on University premises must be made to the Senior Vice President of Academic and Student Affairs at least three (3) weeks prior to the event through the Central Reservation System (<https://reservespace.fiu.edu/>), or a written document, contract or agreement, facility reservation form, memo, or letter describing the type of event, number of anticipated attendees, and appropriate event controls ~~shall be submitted to the Vice President of Student Affairs or his/her designee for approval, at least two weeks prior to the scheduled date. Approval shall be granted based on demonstrated intent to comply with the requirements set forth in paragraphs (2)(b) and (2)(c) of this regulation. The sale, The sale, distribution,~~ or service of alcohol on University premises in the absence of this approval is a direct violation of this ~~regulation~~ Regulation.

~~2. Alcoholic beverages may be sold or served only by trained and service providers with appropriate permits.~~

~~3. Any sale of alcohol on University premises shall be in accordance with the requirements of the University's terms of agreement with the contracted food service provider for the University.~~

~~NOTE:~~ Although the Senior Vice President of Academic and Student Affairs or ~~his/her~~ designee may approve the sale, service, or distribution of alcohol on University premises, only the Division of Alcoholic Beverages and

a. Tobacco can issue the required legal permit to sell alcohol in the State of Florida.

~~4. Upon satisfaction of all legal and regulation requirements, the service and sale of alcoholic beverages on University premises are limited to the locations identified below, or those otherwise authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his/her designee:~~

~~a. All locations specified on the alcoholic beverage license of the University's food service contractor.~~

~~b. University Park: Graham Center (GC) including the Ballrooms; The Faculty Club; The Rathskellar (Gracie's Grill); The Panther Suite; The Cafeteria & Food Court; The GC Forum & The Pit; The Golden Panther Arena & The Athletic fields/facilities and the FIU Stadium, The Betty Chapman Student Plaza (*Fountain area bordered on the North by the GC — on the West by the PC building and on the Southeast by Parking Garage #1*), The Art Museum (and adjacent~~

~~areas in PC); The Wertheim Performing Arts Center; The University House, Cejas School of Architecture Building, and Green Library.~~

~~e. Biscayne Bay Campus: Wolfe University Center (WUC) Ballrooms, Cafeteria, Panther Square, Hospitality Management Building, Southern Wine and Spirits Management Center, Koven's Conference Center, Library.~~

~~d. University Housing and Greek Housing: As authorized in writing by the Vice President for Student Affairs or designee under terms specified within said authorization.~~

~~e. Other areas: The Wolfsonian FIU Museums and The Women's Club.~~

~~f. Future locations to be determined upon completion of construction or execution of lease agreements.~~

~~(b) When the service and sale of alcohol has been approved by the duly authorized University official, the following conditions shall apply:~~

~~b. 1. The event organizer must obtain the approval of the University Police Department who will determine if a uniformed officer(s) must be present during the event. In such cases where an officer(s) is required, the expense is the sole responsibility of the event organizer.~~

7. The following is required for all approved events on University premises where alcohol is present:

a. Alcohol must be sold and served by a licensed, insured, and trained third party vendor. Third party event servers/bartenders and attendants may exercise prudent judgment, consistent with their training, regarding the appearance of an individual in determining whether they satisfy the minimum age requirement. If, for any reason, proof of legal drinking age cannot be provided upon request, it is the responsibility of the server to deny the request.

b. The designated server shall not be under the influence or consume alcoholic beverages during the event and all alcoholic beverages intended for service must be controlled by the designated server.

c. Any individual to whom alcohol is sold or served, or who attempts to purchase or consume alcohol on University premises must satisfy the legal age requirement of 21 years; and demonstrate this by showing valid photo identification when asked ~~to do so. Such identification includes: valid photo identification issued by the State of Florida or any other state of the United States, a passport or a United States armed services identification card.~~

~~2. Event servers/bartenders and attendants may exercise prudent judgment, consistent with their training, with regard to the appearance of an individual in determining whether they satisfy the minimum age requirement.~~

d. 3. ~~Servers/bartenders and event attendants shall be properly trained regarding Florida's underage person laws. Such training shall meet~~The third-party server has the right to refuse to serve anyone who is under the legal drinking age or to anyone who appears to be intoxicated.

~~With the minimum standards of programs such as TIPS® (Training for Intervention Procedures).~~

~~4. Servers/bartenders and attendants shall be at least 21 years old.~~

- ~~e. 5. Individuals shall~~ exception of tailgating events, individuals are not permitted to bring their own alcoholic beverages to any events on University sponsored event. Individuals shall not leave a University event or event area while carrying or holding any type of container of premises. Only those alcoholic beverage, beverages provided and served by the third-party vendor may be possessed or consumed at the event. The alcoholic beverages served must be consumed within the facility designated for the event.
- ~~6. Non-alcoholic beverages and food must be provided in sufficient quantities available at all events, and shall be~~ the same place, provided in greater amounts than the alcoholic beverages provided, featured as prominently as alcoholic beverages, and made available for the entire duration of the event, while alcohol is also available.
- ~~f. 7. Non-alcoholic beverages must be available at~~ at a price equal to or less than the price of the alcohol being served. A sufficient amount of non-salty, non-snack food must also be available.
- ~~8. At least two (2) printed signs shall be prominently displayed at each event, each of~~ g. which must display with the following information:
NO ALCOHOL SOLD OR SERVED TO MINORS
PROOF OF AGE IS REQUIRED
NON-ALCOHOLIC BEVERAGES AVAILABLE ~~MANAGEMENT~~
EVENT ORGANIZER RESERVES THE RIGHT TO DENY SERVICE
ASK AN ATTENDANT FOR ASSISTANCE, IF NECESSARY
- Signs shall ~~meet the following, minimum specifications: size shall~~ be at least 11 ~~inches~~ by 14 inches; and no other message shall be included on these signs, however, a single sign may be used to display this information in languages other than English.
- ~~h. 9. Alcohol will only be served to an individual for their own consumption. No one may obtain alcohol for another individual.~~
- ~~i. Alcoholic beverages shall not be used as prizes or awards for any~~ may only be served until 1:00 a.m., and service must stop no less than 60 minutes before the end of the event.
- ~~10. "Alcohol tasting" events are subject to all the conditions of this regulation.~~
- ~~j. 11. Competitions or contests that involve~~ No state appropriated, federal funds or A&S fees may be used to purchase or sell alcohol. Additional funding sources may also be limited.
- ~~k. Drinking contests, promotions, or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages are strictly prohibited.~~
- ~~12. At least one uniformed member of the University Police Department, or a substitute approved by the Chief of the University Police Department shall not be present~~ permitted at all events on University premises at which alcohol is sold or served.
- ~~13. The service and sale of alcohol must cease at least one hour before the scheduled and advertised end of the event.~~
- ~~14. The service or sale of alcohol shall not continue at any event on University premises after 1:00 a.m.~~
- ~~15. Reasonable conditions intended to encourage and facilitate the responsible consumption of alcohol imposed by the FIU Executive Committee, the Chief of Police, or the Department of Risk Management and Environmental Health and Safety on an event by event basis.~~

~~(c) Applicable Laws and Regulations: Individuals shall adhere to all applicable state and local laws related to the sale or consumption of alcohol. These event. Examples include, but are not limited to the following:~~

~~1. It is unlawful for any person to assist an underage person to purchase or attempt to obtain alcoholic beverages.~~

~~2. It is unlawful for any underage person to falsify a driver's license or other identification document in order to obtain or attempt to obtain alcoholic beverages.~~

~~3. It is unlawful for any person to permit use of his/her driver's license or any other identification document, by an underage person, to purchase or attempt to purchase alcoholic beverages.~~

~~4. The burden of proof to demonstrate satisfaction of the legal drinking age requirement is the responsibility of the person desiring alcohol service.~~

~~5. It is the responsibility of the server, at the time that an alcoholic beverage is requested to check the photo ID or wristband of persons to be served, or otherwise verify the age of the person to whom alcohol is to be served. Servers reserve the right to deny service.~~

~~k. 6. Transportation of any, selling or serving on an "all you can drink" basis and promoting free or discounted alcoholic beverages on University premises shall be in unopened containers for a certain segment of the population.~~

~~(3) DISTRIBUTION, ADVERTISING AND PROMOTION.~~

~~1. (a) The Senior Vice President of Academic and Student Affairs or designee may impose additional limitations and restrictions as deemed appropriate.~~

8. Advertisement and promotion of the use or consumption of alcohol at any event ~~or activity~~ is prohibited, unless written approval of the content of the advertisement, the size, location and method of distribution of the promotional material are, ~~each and all,~~ specifically reviewed and approved by the Senior Vice President of Academic and Student Affairs or his/her designee.

~~forth in paragraph (3)(c) of this regulation.~~

~~(b) The following conditions shall also apply:~~

~~a. 1. Event sponsors, their subsidiaries, partners, or affiliated companies, who are also producers, sellers or distributors of alcoholic beverages shall not be recognized on printed or promotional materials unless authorized by the Senior Vice President of Academic and Student Affairs or his/her designee ~~pursuant to paragraph (3)(a) of this regulation.~~~~

~~2. Event sponsors, their subsidiaries, partners, or affiliated companies, which are recognized distributors or marketers of alcohol shall not be recognized on promotional materials for specific events where their products are sold or served, or at concurrent events on University premises, unless authorized by the Vice President of Student Affairs pursuant to paragraph (3)(a) of this regulation.~~

~~b. (c) Event planners or University administrators seeking approval for advertising or promotion of the use or consumption of alcohol on University premises shall assure that advertisements Advertisements and promotional materials of an event on University premises involving alcohol shall satisfy the following minimum requirements ~~prior to requesting approval:~~~~

i. ~~4.~~ Advertisement and promotional materials for alcohol shall not promote the irresponsible use of alcohol.

~~2. Advertisement shall not encourage behavior or activities that directly conflict with the requirements of this regulation.~~

~~3. Advertisement shall not use alcohol as an inducement to participate in a University event and shall not offer alcohol as a prize or gift in any form of contest, raffle, game, or competition.~~

~~4. Social events that encourage drinking, drinking contests, or alcoholic intoxication, and the advertisement of any such events are strictly prohibited.~~

ii. ~~5.~~ General Advertisement and promotional materials, including advertising for any University sponsored event shall not make reference to the availability of alcoholic beverages unless the event is sponsored by the School of Hospitality Management in association with the FIU Beverage Management Program.

iii. ~~6.~~ Advertising for any event sponsored by the FIU School of Hospitality Management where alcoholic beverages will be served, and its availability is identified in the promotional material, shall specifically mention the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages.

~~(4) TAILGATING AND ATHLETIC EVENTS.~~

9. In addition to all other requirements stated in this regulation, the following requirements shall apply to the service, purchase, ~~use,~~ possession, distribution, or consumption of alcohol ~~and alcoholic beverages~~ on University premises at tailgating events ~~occurring in conjunction with FIU athletic events and competitions—either before, during or after the games.~~

~~(a) Alcoholic beverages may be sold, served and consumed within the Stadium Club and Suites at the FIU Stadium, subject to all legal and regulation requirements. Except as to these specified locations or as otherwise approved in accordance with this regulation, alcohol shall not be sold, served or consumed in connection with FIU inter-collegiate athletic events. Individuals with access to the Stadium Club or Suites at the FIU Stadium shall be prohibited from carrying alcoholic beverages to any other locations within the FIU Stadium. The sale or service of alcoholic beverages at non-intercollegiate athletic events shall be considered on an event-by-event basis in accordance with Section 2 above.~~

~~premises shall not leave and subsequently re-enter the FIU Stadium at any time before or during the game.~~

a. ~~(e)~~ Individuals and members of the public are strictly prohibited from entering ~~the football stadium~~ any athletic event while carrying or bearing any type of container, open or closed, which contains any type of beverage.

b. ~~(d)~~ Event ~~managers~~ organizers, Division of Academic and Student Affairs staff, and University ~~police~~ Police reserve the right to deny access, to athletic events, to individuals ~~and members of the public~~ who exhibit behaviors consistent with alcohol intoxication, or who behave in any manner inconsistent with ~~the requirements of this regulation~~ Regulation.

~~(e) Tailgating activities on University premises that involve the service, sale or consumption of alcohol shall be restricted to specifically designated locations monitored by the FIU Public Safety Department.~~

~~(f) The sale, service and consumption of alcohol shall be restricted to specific locations authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his or her designee.~~

~~(g) The FIU~~The Chief of Police shall prepare and submit an Event Evaluation Summary c. & and Recommendation Report to the Senior Vice President of Academic and Student Affairs within 72 hours of each athletetailgating event and shall specifically address findings related to the use or abuse of alcohol at each event on each report.

10. ~~Specific~~ Nothing in this regulation absolves individuals from complying with federal and state laws, federal research regulations, University regulations and policies, and other applicable laws, regulations, rules, and policies on the use and consumption of alcohol including, but not limited to, federal and state laws regarding Drug Free Workplaces and University policies on

11. Violations of this Regulation and applicable laws may subject individuals to discipline and sanction including, but not limited to, criminal prosecution, discipline by the Department of Human Resources up to and including termination, and discipline by the Office of Student Conduct and Conflict Resolution up to and including expulsion.

Authority ~~1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS.;~~ Art. IX, sec 7, Fla. Const., Board of Governors Regulation 1.001; History ~~;~~ New 8-12-85, Formerly 6C8-11.005, Amended 4-16-91, 9-3-03, 8-22-04, Formerly 6C8-11.005, Amended 6-18-08, _____.