

**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: Proposed changes to this Regulation outline the responsible and permissible possession, service, and sale of alcoholic beverages at the Wolfsonian.

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, Provost, Executive Vice President and Chief Operating Officer

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
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DATE OF PUBLICATION: May 15, 2023

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW.

FIU-2505 Alcoholic Beverages

1. This regulation governs the responsible and permissible possession, service, sale, consumption, and distribution of alcohol at Florida International University (FIU or University) including, but not limited to, University events, activities, property, facilities, and academic courses. This regulation will ensure the health, safety, and well-being of all members of our community. University students, faculty, staff, and community members are subject to all applicable laws, rules, ordinances, and regulations regarding the possession, service, sale, consumption, and distribution of alcohol.
2. Definitions
 - a. 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. The term “sponsored by”, as used in this regulation, includes all events and activities on University Premises, as defined below, supported wholly or in part through funding, services or resources of any University budget entity.
 - c. 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. 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. 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~~Chief Student Affairs Officer 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 (21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises unless expressly permitted in this Regulation.
4. No individual may serve or otherwise provide alcohol to individuals under the legal drinking age 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.

6. Requests to serve, sell, or distribute alcohol on University premises must be made to the Chief Student Affairs Officer or designee~~Senior Vice President of Academic and Student Affairs~~, except as noted below, 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. The sale, distribution, or service of alcohol on University premises in the absence of this approval is a direct violation of this Regulation.
 - a. Although the ~~Senior Vice President of Academic and Student Affairs or designee~~Chief Student Affairs Officer or designee may approve the sale, service, or distribution of alcohol on University premises, only the Division of Alcoholic Beverages and Tobacco can issue the required legal permit to sell alcohol in the State of Florida.
 - a.i. For events held at the Wolfsonian, the Director of Museum Operations will serve as the designee to approve the sale, service, or distribution of alcohol. The Wolfsonian is required to annually report to the Chief Student Affairs Officer or designee~~Senior Vice President of Academic and Student Affairs~~ and FIU PD.
 - b. 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.i. For events held at the Wolfsonian, the Wolfsonian may also utilize its-trained staff~~University employees~~ to sale, serve, and distribute alcohol.
 - 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.

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.

- d. With the exception of tailgating events and events at the Wolfsonian, individuals are not permitted to bring their own alcoholic beverages to events on University premises. Only those alcoholic 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.
 - e. Non-alcoholic beverages must be available at 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 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.
 - f. At least two (2) printed signs shall be prominently displayed at each event with the following information:

NO ALCOHOL SOLD OR SERVED TO MINORS
PROOF OF AGE IS REQUIRED
NON-ALCOHOLIC BEVERAGES AVAILABLE
EVENT ORGANIZER RESERVES THE RIGHT TO DENY SERVICE
ASK AN ATTENDANT FOR ASSISTANCE, IF NECESSARY

Signs shall be at least 11 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.
 - g. Alcohol will only be served to an individual for their own consumption. No one may obtain alcohol for another individual.
 - h. Alcoholic beverages may only be served until 1:00 a.m., and service must stop no less than 60 minutes before the end of the event: For events held at the Wolfsonian three (3) hours or less in duration, service of alcoholic beverages ~~For events longer than 3 hours, service must stop at least 60 minutes before the end of the event. For events 3 hours or less, service must stop at least 15 minutes before the end of the event.~~
 - i. No state appropriated, federal funds or A&S fees may be used to purchase or sell alcohol. Additional funding sources may also be limited.
 - j. Drinking contests, promotions, or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted at the event. Examples include, but are not limited to, selling or serving on an “all you can drink” basis and promoting free or discounted alcoholic beverages for a certain segment of the population.
 - k. The ~~Senior Vice President of Academic and Student Affairs or designee~~ Chief Student Affairs Officer 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 is prohibited, unless written approval of the content of the advertisement, the size, location and method of distribution of the promotional material are specifically reviewed and approved by the ~~Senior Vice President of Academic and Student Affairs or designee~~ Chief Student Affairs Officer or designee.

- a. 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 designee~~ Chief Student Affairs Officer or designee.
 - b. Advertisements and promotional materials of an event on University premises involving alcohol shall satisfy the following minimum requirements:
 - i. Advertisement and promotional materials for alcohol shall not promote the irresponsible use of alcohol.
 - ii. 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 or the event is hosted by and held at the Wolfsonian.
 - iii. 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.
9. In addition to all other requirements stated in this regulation, the following requirements shall apply to the service, purchase, possession, distribution, or consumption of alcohol on University premises at tailgating events.
 - a. Individuals and members of the public are strictly prohibited from entering any athletic event while carrying or bearing any type of container, open or closed, which contains any type of beverage.
 - b. Event organizers, Division of Academic and Student Affairs staff, and University Police reserve the right to deny access to athletic events to individuals who exhibit behaviors consistent with alcohol intoxication or who behave in any manner inconsistent with this Regulation.
 - c. The Chief of Police shall prepare and submit an Event Evaluation Summary and Recommendation Report to the Chief Student Affairs Officer or designee ~~Senior Vice President of Academic and Student Affairs~~ within 72 hours of each tailgating event and shall specifically address findings related to the use or abuse of alcohol at each event on each report.
10. 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 Campus/Workplace and Drug and Alcohol Abuse Prevention.
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: 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, 6-25-19, Amended xxx.