

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

DATE: December 2, 2010

REGULATION CHAPTER NO.: Chapter 3

REGULATION CHAPTER TITLE: Administration

REGULATION TITLE AND NUMBER: Alcoholic Beverages (Regulation 3.021)

SUMMARY OF REGULATION: This new Regulation governs the possession, service, sale consumption or distribution of alcoholic beverages at any and all Florida A&M University (FAMU) sponsored activities and events at any and all facilities or properties operated under the jurisdiction of FAMU and by any and all trustees, administrators, faculty, staff, students, direct support organizations, vendors and guests attending such FAMU sponsored activities and events.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution; Board of Governors Regulation Development Procedure dated July 21, 2005, Board of Governors Resolution Adopted January 7, 2003.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Avery McKnight, General Counsel.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Avery McKnight, 1601 S. Martin Luther King Boulevard, Suite 300 Lee Hall, Tallahassee, Florida 32307-3100, (850) 599-3591 (phone), (850) 561-2862 (fax), avery.mcknight@famuedu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this new regulation follows:

Regulations of Florida A&M University



3.021 Alcoholic Beverages Regulation.

(1) This regulation shall govern the possession, service, sale, consumption or distribution of alcoholic beverages at any and all Florida Agricultural and Mechanical University (FAMU) sponsored activities and events; at any and all facilities or properties operated under the jurisdiction of FAMU; and by any and all trustees, administrators, faculty, staff, students, direct support organizations, vendors and guests attending such FAMU sponsored activities and events. As used in this regulation, the term “alcoholic beverage” includes beer, wine, hard liquor, distilled spirits, mixed drinks, fermented beverages and other beverages containing alcohol.

(2) FAMU recognizes the serious nature and potentially harmful effect of using alcoholic beverages in the workplace and academic settings. Therefore, the unlawful manufacture, distribution, dispensation, possession, service, sale, consumption or use of alcoholic beverages in all facilities or upon properties and grounds leased, owned or operated by FAMU is prohibited unless specifically permitted as set forth below.

(3) Upon satisfaction of all legal and regulatory requirements, the possession, service, sale, consumption or distribution of alcoholic beverages at FAMU is restricted as follows:

(a) No alcoholic beverages may be possessed, served, sold, consumed or distributed at the University except the following FAMU Designated Areas: President’s Box (Bragg Stadium);

Alumni House; Faculty Club House; Center for Viticultural Sciences & Small Fruit Research Center for Water Quality; and Alfred Lawson Multipurpose Teaching Gymnasium.

(b) No individual under the legal drinking age of 21 may serve, sell, purchase, distribute, consume or possess alcohol on FAMU properties or at FAMU sponsored activities or events except to the extent permitted by law or unless specifically engaged in an approved and supervised academic program that does not involve the actual ingestion of alcohol by an individual under the legal drinking age.

(c) Alcohol must be served by a licensed and insured third party vendor, who are properly trained regarding Florida's underage person laws and are service providers with appropriate permits, and shall not be served to persons under the legal drinking age.

(d) All members of the FAMU community (trustees, administrators, faculty, staff, students, direct support organizations, vendors and guests) must adhere to all applicable federal or state laws, local ordinances and FAMU regulations and contracts related to the possession, service, sale, consumption or distribution of alcoholic beverages at the FAMU Designated Areas as appropriate. The requisite permit for the sale of alcoholic beverages must be obtained from the Division of Alcoholic Beverages and Tobacco of the State of Florida.

(e) A written document, contract or agreement, facility request form, memorandum or letter describing the type of event, number of attendees and appropriate event controls shall be submitted to the President or President's designee for approval at least two (2) weeks prior to the scheduled date of the event at the FAMU Designated Areas. Approval may be granted based on demonstrated intent to comply with the requirements set forth in this regulation and proof of appropriate licenses and permits for such events. Any event which will have student attendance also will require the approval of the Vice President for Student Affairs and the Dean of Students.

(f) Individuals or groups who are approved to have an event where alcoholic beverages will be served or consumed at the FAMU Designated Areas will be held responsible for the event. Any announcement or advertisement, including but not limited to a flyer, notice, poster, banner, tee-shirt, promotional item, newspaper and radio advertisement concerning the event shall note the availability of non-alcoholic beverages at the event as prominently as the availability of alcoholic beverages and note that proper identification is required in order to be served or sold alcoholic beverages, and shall not make reference to the amount of alcoholic beverages to be served at the event. Such advertisements or announcements shall not portray the drinking of alcoholic beverages as a solution to personal or academic problems or as necessary to social, professional, political, personal or academic success.

(g) The only alcoholic beverages that may be served, sold, purchased, distributed, consumed or possessed at FAMU are those alcoholic beverages served at the activity or event, and the served alcoholic beverages must be consumed within the facility or space designated.

(h) The FAMU Department of Public Safety (Department) must be notified of any and all events involving the possession, service, sale, consumption or distribution of alcoholic beverages at FAMU. The Department will determine if a uniformed member of, or substitute by the Chief, must be present during the function. In such cases, the Department's expense must be paid by the sponsoring individual(s) or group(s) unless waived by the President or President's designee.

(4) Notwithstanding the provisions of this regulation, requests related to the possession, service, sale, consumption or distribution of alcoholic beverages outside of the FAMU Designated Areas must be considered by the FAMU Board of Trustees. Any and all approvals by the FAMU Board of Trustees must be consistent with the requirements set forth in this regulation.

(5) The possession, service, sale, consumption or distribution of alcoholic beverages in the absence of the appropriate approval(s) identified herein is a direct violation of this regulation.

Specific Authority: Article IX, Section 7(c), Florida Constitution, BOG Regulation 1.001.
Law Implemented Article IX, Florida Constitution, Board of Governors Resolution Adopted January 7, 2003. History: New - - 10.