

FAYETTEVILLE STATE UNIVERSITY

ALCOHOLIC BEVERAGES

Authority:	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
Category:	University-Wide
Applies to:	●Administrators ●Faculty ●Staff ●Staff ●Visitors
History:	Revised – September 1, 2015 Approved, March 6, 2007 First issued, March 8, 2007
Related Policies:	NCGS §18B - Regulation of Alcoholic Beverages
Contact for Info:	General Counsel (910) 672-1145

I. PURPOSE

Fayetteville State University's ("University") intent is to regulate the serving, possession, consumption, and sale of alcoholic beverages in compliance with applicable North Carolina General Statutes and local ordinances. Except as otherwise permitted by this Policy, the serving, possession, consumption, or sale of alcoholic beverages on University owned or leased property, including vehicular areas, sidewalks and public right-of-ways, is prohibited.

The intent of this Policy is to clearly define the following:

- those activities at which the serving, possession, consumption, and sale of alcoholic beverages on University owned or leased property will be permitted;
- the conditions under which the serving, possession, consumption, and sale of alcoholic beverages will be allowed; and
- the procedures to be followed for requesting permission to serve, possess, consume or sell alcoholic beverages

Only the Chancellor has the authority to grant exceptions to this Policy on occasion upon his or her discretion.

II. DEFINITIONS

- **Alcoholic Beverage** shall mean any beverage containing at least one half of one percent (0.5%) of alcohol by volume.

- **Malt Beverages** shall mean beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage except unfortified or fortified wine containing at least one half of one percent (0.5%), and not more than fifteen percent (15%) alcohol by volume.
- **Fortified Wine** shall mean any wine, of more than sixteen percent (16%) and no more than twenty-four percent (24%) alcohol by volume, made by fermentation from grapes, fruits, berries, rice or honey, or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.
- **Sale of Alcoholic Beverages** shall mean any transfer, trade, exchange, or barter, in any manner or by any means, for consideration.
- **Spirituos liquor** shall mean distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.
- **Unfortified Wine** shall mean any wine of sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.
- **University event** shall mean an event sponsored by a University. An event is sponsored by the University if a budgeted office, department, or division of the University (“unit”) is responsible for organizing the event, inviting the attendees, and paying expenses related to the event, regardless of whether an outside entity pays for the food or beverages.

III. SERVING ALCOHOLIC BEVERAGES AT UNIVERSITY EVENTS

A. Obtaining Permission to Serve Alcohol

A University unit proposing to sponsor a University event in which alcoholic beverages will be served must obtain approval prior to the date of the University event. Approval to serve alcoholic beverages will be considered under the following circumstances:

1. Malt beverages and/or unfortified wine are *being served, but not sold* to guests (including members of the public) and there is no fee charged to attend. Neither fortified wine nor spirituous liquor shall be served or sold. *No ABC Permit shall be necessary for the University event.*

2. Wine and malt beverages are *being served, but not sold* to patrons at a ticketed University event held to allow the University to raise funds. A *Special One-Time Permit issued by the ABC Commission shall be necessary*.
3. Malt beverages, unfortified wine, and/or fortified wine are *being sold* at a single University fund-raising event. A *Special One-Time Permit issued by the ABC Commission shall be necessary*.

The head of the sponsoring unit shall submit to the Office of Legal Affairs the *Request for Approval to Serve Alcoholic Beverages* form at least thirty (30) days prior to the University event. In the request, the sponsoring unit head shall agree to be responsible for ensuring compliance with this Policy and all pertinent State and local laws governing the serving, possession, consumption, and/or sale of alcoholic beverages.

B. Locations Where Alcohol May Be Served

The serving, possession or consumption of alcoholic beverages is restricted to the following University facilities:

- Seabrook Auditorium,
- Health and Physical Education Complex (the Chancellor's Box or Capel Arena),
- Rudolph Jones Student Center (the Chancellor's Dining Room or the Multi-Purpose Room);
- Rosenthal Art Gallery; and
- Chancellor's Residence

Prior to seeking permission to serve alcohol at any of the above locations, the sponsoring unit hosting the University event shall make arrangements with the respective facility manager. It is the responsibility of the sponsoring unit to comply fully with the facility's procedures for reserving the location.

C. Times When Alcohol May Be Served

Except for University holidays, no alcohol may be served at any University facility on a weekday until after 5:00 p.m.

D. Sale of Alcohol

The sale of alcoholic beverages, as defined in Section II, is prohibited at any University event except as noted below:

1. **Ticketed Fundraising Events**

The sale of alcohol beverages is broadly interpreted by law enforcement authorities to include such practices as the following:

- charging admission to University events where alcohol is served,
- requiring the purchase of tickets, or
- Requiring donations or other exchanges in order to receive alcoholic beverages.

Such exchanges are viewed as indirect payment for alcoholic beverages and are, therefore, illegal. However, as a *limited exception* to this general rule, the serving of alcoholic beverages at a *ticketed fundraising University event* shall not be construed as a sale provided that:

- (a) there is no separate charge for the alcoholic beverage that is served
- (b) no State or federal funds are used to purchase the alcohol, and
- (c) the University obtains the appropriate permit from the ABC Commission for the service of alcoholic beverages at the University event.

2. **Performing Arts Center**

Although State law generally forbids the issuance of a "permit for the sale of malt beverages, unfortified wine, or fortified wine on the campus or property of a public school or college," the statute provides an exception permitting "constituent institutions of The University of North Carolina" to obtain a permit allowing "the sale of beer and wine at performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 seats." Seabrook Auditorium is the only facility at the University which has been designated by the Chancellor as a performing arts center for the purposes of the law. In order to sell alcohol at Seabrook Auditorium at a University event, a permit must be obtained from the N.C. Alcoholic Beverage Control Board (ABC) and that permit must be presented to the Office of Legal Affairs before final approval is provided.

E. **Supervision of a University Event**

In addition to statutory requirements concerning alcohol use, courts throughout the country are increasingly likely to impose civil liability on those whose irresponsible service or consumption of alcoholic beverages results in property damage, personal injury, or death of innocent parties. Thus, it is the responsibility of the sponsoring unit to ensure that State and local laws and this Policy are not violated, and to recognize the existence of potential liability if violations occur.

Where final approval has been obtained, the following requirements must be met at all University events where alcohol is served:

1. Access to the University Event

Access to the University event shall be limited to invitees and controlled throughout the University event by the sponsoring unit. For outdoor University events, special steps must be taken (for example, tents with sides or other significant barriers) to control access and delineate the area for the University event.

2. Serving Requirements

The following are required when serving alcoholic beverages at University events:

- Alcohol may not be served unless a sufficient amount of alternative, nonalcoholic beverages and food also are served. Food and non-alcoholic beverages must be available without cost if alcoholic beverages can be consumed at no cost.
- The sponsoring unit shall be responsible for setting a beginning and ending time for all activities when alcoholic beverages are served.
- A University event with alcoholic beverages that is followed by a full meal may last no longer than one hour. A reception with alcoholic beverages that is not followed by a full meal may last no longer than two hours. Service of alcohol must be discontinued for 30 minutes prior to the anticipated end of the University event
- Alcoholic beverages must be served by a professional caterer or bartender with liability insurance. No self-service of alcohol is permitted.
- Intoxicated persons shall not be served or permitted to consume alcoholic beverages.

3. Attendance of Individuals under the Age of 21

It is a violation of North Carolina law to serve alcoholic beverages to anyone under 21 years of age. units sponsoring University events that are likely to be attended by individuals under 21 are **strongly discouraged** from serving alcoholic beverages at such University events. It shall be the sponsoring unit's responsibility to be certain that individuals under the age of 21 are not served or provided any alcoholic beverages.

If the unit plans to serve alcoholic beverages at a University event that will be attended by guests under the age of 21, the unit must submit, as part of

the approval process, an explanation of the method by which it will determine which guests are over 21 and how it will assure that guests under 21 are not served alcoholic beverages.

In addition to the above requirements, if students or others under the age of 21 will be attending the University event, the unit hosting the University event must take precautions to be sure that no one under 21 is served alcoholic beverages. Such precautions might include:

- a sign on the bar that says "**21 and Over Only**" or "**No Students**" and an instruction to the bartender to ask for proof of age; color-coded name tags or place cards for guests under 21 and instructions to the bartender and/or waiters as to the significance of the color-coding; and
- instructions to bartenders, waiters, and unit employees in charge of the University event to be alert to the possibility that guests who may be 21 or older may attempt to obtain alcohol for guests under 21.

4. Police and Public Safety

The University's Police and Public Safety department shall be notified in writing at least two (2) weeks prior to a University event in which alcoholic beverages will be served. The sponsoring unit must arrange to have at least one (1) uniformed University police officer present during the University event at all times.

5. Additional Precautions

The University reserves the right to require additional precautions as needed.



Request for Approval to Serve Alcoholic Beverages

Request for approval to possess to serve alcoholic beverages must be submitted to the Office of Legal Affairs at least ten (10) business days prior to the event.

Sponsoring Unit _____ Unit Head _____

UNIVERSITY EVENT INFORMATION

Date of event _____ Estimated attendance _____

Beginning time _____ a.m. _____ p.m. Ending time _____ a.m. _____ p.m.

Location _____

Has permission to use the facility been granted? Yes _____ No _____

Type of event _____

Times that alcoholic beverages will be served during the event (may not exceed two hours).

Beginning time _____ a.m. _____ p.m. Ending time: _____ a.m. _____ p.m.

ATTENDEES

Will any person under age 21 be solicited or invited to attend? Yes _____ No _____

If the answer is yes, describe the precautions that will be taken to ensure that persons under 21 years of age are not served alcoholic beverages (e.g., "IDs will be checked for anyone whose age is in question.

CHARGES/DONATIONS

Are attendees being charged anything to attend this event? Yes _____ No _____

Are attendees required to make a donation in order to attend this event? Yes _____ No _____

If the answer is yes to either one of the above questions, please note that the serving of alcohol at a University sponsored fundraising event at which there is a fee charged to attend the event shall not be construed as a sale provided there is no separate charge for the alcohol that is served and an appropriate permit has been obtained from the ABC Board.

FUNDING

What is the source of funds for the purchase of alcoholic beverages? _____

State nor federal funds may not be used for the purchase of alcoholic beverages. Discretionary funds may be used or the alcohol may be donated

FOOD AND BEVERAGE

What alternate nonalcoholic beverages **and** food will be offered at the event? _____

What type of alcoholic beverages will be served? Check all that apply.

Fortified wine may not be served unless a permit has been obtained.

Beer _____ Wine (Fortified) _____ Wine (Unfortified) _____

Professional Caterer or Bartender _____

Does the Caterer or Bartender have liability insurance? Yes _____ No _____

ACKNOWLEDGEMENT

By submitting and signing this request, the head of the sponsoring unit that s/he has read the University's policy on *Alcoholic Beverages* and *agrees that the* serving of alcoholic beverages at this University event will be conducted in compliance with the Policy, this *Request For Approval* and State and local law.

Signature _____ Date _____

Title _____

The approval of this application and agreement is expressly conditioned upon the sponsoring unit head obtaining the necessary ABC permits (if applicable).

For Legal Office Use Only

Reviewed by _____ Signature _____
Name

Date Reviewed _____ Permit Required: Yes _____ No _____

Comments _____

For Chancellor or Chancellor's Designee Use Only

Approved: Yes _____ No _____

Signature _____ Date _____