



FGCU REGULATION 9.002

*Effective Date of
Regulation:*

Possession, Service, or Consumption of Alcohol

April 13, 2021

A. GENERAL STATEMENT

The possession, service, or consumption of Alcoholic Beverages such as beer, wine, and distilled spirits on University Premises shall be in accordance with federal, state, and local law. This Regulation provides for the possession, service, or consumption of Alcoholic Beverages on University Premises by members of the University Community as well as individuals and groups outside the University Community.

The University requires all persons who visit University Premises or attend a University Function, which may include a civic, athletic, or academic event, including tailgating, are subject to all state laws and local ordinances governing the consumption of Alcoholic Beverages, including, but not limited to, section 4.3, Lee County Florida Code of Ordinances, commonly known as the Lee County Open Container Law. The Lee County Open Container Law prohibits the consumption of any Alcoholic Beverage or the possession of an open container of an Alcoholic Beverage on a semi-public or public area located in the unincorporated area of Lee County. All persons are further reminded that they are responsible for their behavior while on University Premises.

B. DEFINITIONS

1. *Alcoholic Beverages*: All fermented and distilled alcoholic products.
2. *Student-Managed Event*: An event which is managed or coordinated by a student or group of students, including, but not limited to, Registered Student Organizations and other student-direct organizations, including, but not limited to, course related events and civic engagement events.
3. *University Community*: All students, faculty, staff, and visitors at the University.
4. *University Function*: An event that is hosted by a University department, office, or members of the University Community, open to the University Community or the general public, and that may include people under the age of twenty-one (21). A University Function does not include any intercollegiate athletic competitions conducted or contracted by or for the department of Intercollegiate Athletics.
5. *University Premises*: All land, buildings, facilities, and other properties owned, leased, operated by, or in the possession of, the University or one of its direct support organizations.

C. APPLICATION AND APPROVAL FOR THE POSSESSION, SERVICE, OR CONSUMPTION OF ALCOHOL

1. Applications to possess, serve, or consume Alcoholic Beverages on University Premises or at a University Function by a non-student applicant shall be approved by the Vice President for Administrative Services and Finance, or designee.
2. Applications to use University Premises which involve the possession, service, or consumption of Alcoholic Beverages at a Student-Managed Event, shall be approved by the Vice President for Student Success and Enrollment Management, or designee.
3. The sale of Alcoholic Beverages on University Premises shall only be conducted by the University's food service provider or approved caterers with appropriate license, in accordance with the services contract. Notwithstanding, a University Function, as defined in this Regulation, that occurs during an intercollegiate athletic competition must comply with the requirements of this Regulation and any policy implemented thereunder.
4. When a University department or office hosts a University Function on University Premises, the department or office shall obtain approval from the Vice President to which that unit reports, through the above referenced application process to possess, serve, or consume Alcoholic Beverages on University Premises. The University Foundation and University Alumni Association shall obtain approval to possess, serve, or consume Alcoholic Beverages on University Premises from the Vice President for University Advancement, or designee. A direct report of the President shall obtain approval from the President, or designee, to possess, serve, or consume Alcoholic Beverages on University Premises or at a University Function.
5. All service of Alcoholic Beverages must be done by appropriately licensed, bonded, insured, and approved caterers with the appropriate license to serve Alcoholic Beverages. The possession and consumption of Alcoholic Beverages must be done in compliance with Lee County's Open Container Law.
6. The possession and consumption of Alcoholic Beverages in residence halls must be in compliance with Lee County's Open Container Law, as well as applicable state laws and University regulations and policies.
7. The University shall have a committee, which includes a minimum of two (2) students, to periodically review and make recommendations to revise the policy to address the possession, service, and consumption of Alcoholic Beverages at events to which students are invited. This committee shall submit such recommendations to, and shall be supported by, the Division of Student Success and Enrollment Management.

D. VIOLATIONS

1. A student, group of students, or registered student organization found to be in violation

of this Regulation may be subject to discipline under FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process, and may also be subject to prosecution as provided by law.

2. An employee found to be in violation of this Regulation may be subject to discipline under FGCU Regulation 5.016, Disciplinary Actions, or as may be provided in a collective bargaining agreement, and may also be subject to prosecution as provided by law.
3. Any other person found in violation of this Regulation may be subject to prosecution as provided by law.

Authority

Chapter 562, Florida Statutes

BOG Regulation 1.0001, University Board of Trustees Powers and Duties

Section 4.3, Lee County Code of Ordinances

History of Regulation

New 01/15/08; Amended 04/11/17; Format Changed 05/30/17; Amended 04/13/21

Approved by Florida Gulf Coast University Board of Trustees

April 13, 2021