

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the Private Sector

April 2020

1. Use of Institutional Facilities and Services

- a. Consistent with education's primary responsibilities of teaching, research, and public service, the institutions, under the governance of the State Board of Education and Board of Regents of the University of Idaho (Board), have and will continue to provide facilities and services for educational purposes. Such services and facilities, when provided, should be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector. The institutions' provision of services and facilities should be educationally related. In addition, the Board recognizes that the institutions have a role in assisting community and economic development in a manner that supports the activities of the private sector. To this end, cooperation with local, state, and federal agencies is encouraged.
- b. Priority and guidelines for use of institutional services and facilities are as follows:
 - i. Institutionally sponsored programs and projects.
 - ii. Community programs or projects of an educational nature where the services or facilities provided by the institutions are directly related to the teaching, research, or service mission of the institution.
 - iii. Local, state, or federally sponsored programs and projects.
 - iv. The institutions will maintain a list of special events, services and facilities provided in those special events, the sponsor's name, the date of the use, and the planned or expected number of persons attending. This list will be available for public inspection. Individual institutional policies should be adopted in accordance with this general philosophy and policy statement of the Board. To this end, a coordinated effort between the public and private sector is encouraged.

2. Possession, Consumption, and Sale of Alcohol Beverages at Institutional Facilities

- a. The possession, consumption, and sale of alcoholic beverages is generally prohibited at institutional facilities except as allowed through the Board's Governing Policies and Procedures. The chief executive officer ("CEO") of each institution may approve the possession, sale, or consumption of alcoholic beverages only as permitted by and in compliance with this policy. The CEO must ensure that the decisions to allow possession and consumption of alcoholic

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

**SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the
Private Sector**

April 2020

beverages are consistent with the proper image and the mission of the institution.

- b. Each institution shall maintain a policy providing for an institutional Alcohol Beverage Permit process. For purposes of this policy, the term “alcoholic beverage” shall include any beverage containing alcoholic liquor as defined in Idaho Code Section 23-105. Approval of the possession, sale, or consumption of alcoholic beverages shall be evidenced by issuance of a written Alcohol Beverage Permit issued by the CEO of the institution which may be issued only in response to a completed written or electronic application. An Alcohol Beverage Permit may only be issued to allow the sale, consumption or possession of alcoholic beverages on the campus grounds provided that all of the following minimum conditions are met. An institution may develop and apply additional, more restrictive, requirements for the issuance of an Alcohol Beverage Permit. The CEO has the authority by the Board to issue Alcohol Beverage Permits that meet or exceed the following requirements.
 - i. An Alcohol Beverage Permit may be granted only for a specifically designated event ("Permitted Event"). Each Permitted Event shall be defined by the activity planned, the area or location in which the activity will take place and the period of time during which the activity will take place. The activity planned for the Permitted Event must be consistent with the proper image and mission of the institution. The area or location in which the activity will take place must be defined with particularity, and must encompass a restricted space or area suitable for properly controlling the possession, service, consumption of alcoholic beverages. The time period for the activity must be a single continuous time period for a separate defined occurrence (such as a dinner, a conference, a reception, a concert, a sporting competition or similar event). An event with no predetermined conclusion shall not be a Permitted Event. The area or location of the Permitted Event, the restricted space or area therein for the service possession, and consumption of alcoholic beverages and the applicable time periods for the Permitted Event must each be set forth in the Alcohol Beverage Permit and in the application therefore.
 - ii. Food must be available at the Permitted Event. Consumption of alcoholic beverages and food cannot be the sole purpose of a Permitted Event.
 - iii. Non-alcoholic beverages must be readily available at every Permitted Event.
 - iv. Only those who are of lawful age to consume alcoholic beverages, will be authorized to possess and consume alcoholic beverages at the Permitted Event. An Alcohol Beverage Permit for a Permitted Event may allow alcoholic beverages to be possessed and consumed throughout the Permitted Event area, provided that the area is fully enclosed, and provided further that the

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

**SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the
Private Sector**

April 2020

area is such that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area.

- v. The Alcohol Beverage Permit, any required local catering permit, and applicable state or local alcoholic beverages permits shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed or shall be readily available upon request.
- vi. When the institution is the sponsor/host of the Permitted Event, the institutional unit responsible for the event completes the Alcohol Beverage Permit application. Any event sponsored/hosted by any recognized unit of the institution for an institutional purpose is an institution sponsored event. When a non-institution third party is the sponsor/host of the Permitted Event, the third party completes the application. The third party is responsible for compliance with all applicable laws of the state of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession, sale, and consumption of alcoholic beverages.
- vii. The sale, service and consumption of alcoholic beverages at a Permitted Event shall be confined to the specific event, area or activity identified on the Beverage Permit application. Service of alcohol at the Permitted Event must be done by authorized institutional employees or through institution approved third-party contractors (such as caterers or institution food service providers) TIPS training shall be required for all individuals responsible for alcohol service. For approved third party contractors, responsibility for TIPS training lies with the contractor. In no event shall the general public or any participants in a Permitted Event be allowed to bring alcoholic beverages into a Permitted Event, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
- viii. The event sponsor and those individuals and contractors furnishing alcohol at the Permitted Event shall be responsible for ensuring that no one under the legal drinking age, or visibly intoxicated person is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the Permitted Event. All third party event sponsors and all third party contract alcohol providers shall indemnify the institution, State Board of Education and the State of Idaho for all damages resulting from that entity's negligence. All third party event sponsors and all contract alcohol providers must provide proof of appropriate insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage limits sufficient to meet the needs of the

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

**SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the
Private Sector**

April 2020

institution, but in no case less than \$1,000,000 minimum coverage per occurrence and \$2,000,000 general aggregate. Such insurance must list the institution, its officers, directors, employees, agents and volunteers, the State Board of Education and the State of Idaho as additional insureds. Proof of the required insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insureds for the duration of the event.

- ix. The Alcohol Beverage Permit shall set forth the time at which sale, service, possession and consumption of alcoholic beverages will be permitted, which shall be strictly enforced. Service and sale of alcoholic beverages shall stop at a time in advance of the time of closure of the event sufficient to allow an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the event prior to closure of the event.
 - x. These guidelines shall apply to both institutional and non-institutional groups using institutional facilities.
- c. The CEO of each institution has the authority to authorize tailgating that meets or exceed the following requirements.
- 1) Specific parking lots or limited areas of campus grounds may be designated as tailgating areas for home games or games hosted by the institution.
 - 2) Within tailgate areas, game patrons and their private guests may consume alcohol as long as they abide by all local and state regulations governing alcohol usage including, but not limited to, minor in possession or consumption of alcoholic beverages and public intoxication.
 - 3) Alcohol consumption in tailgating areas shall be limited to the same day of an event hosted by the institution.
 - 4) Alcoholic beverages must be held in an opaque container that is not labeled or branded by an alcohol manufacturer or distributor. Alcohol may not be taken from the designated tailgate area into any other area.
 - 5) The institutions shall not sell alcohol or serve alcohol in the tailgate area nor license or allow any vendor to sell or dispense alcohol in the tailgate area unless approved as a Permitted Event. Only private individuals authorized to be in the tailgate area may bring alcohol into the tailgate area for personal use by themselves and their guests. Each institution may place additional restrictions on activities in the tailgate area as seen fit to maintain order in the area.
- f. Within residential facilities owned, leased or operated by an institution, the CEO may allow the possession or consumption of alcoholic beverages by persons of legal drinking age within the living quarters of persons of legal drinking age.

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

**SUBSECTION: J. Use of Institutional Facilities and Services with Regard to the
Private Sector**

April 2020

Consumption of alcohol shall not be permitted in the general use areas of any such residence facility. Possession of alcohol within the general use areas of a residential facility may only be done in a facility where consumption has been authorized by the CEO, and such possession shall be only as is incidental to, and reasonably necessary for, transporting the alcohol by the person of legal drinking age to living quarters where consumption is allowed. The term "living quarters" as used herein shall mean, and be limited to, the specific room or rooms of a residential facility which are assigned to students of the institution (either individually or in conjunction with another roommate or roommates) as their individual living space.

3. Institutions shall not advertise alcoholic beverages on campus grounds or in any institutional facilities. Provided, however, responsible drinking campaigns or advertising are not prohibited.