

**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**

**October 2017**

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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 is 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 approximate 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. Board Administrative Rules IDAPA 08.01.08 provides requirements relative to alcoholic beverages on campus grounds. Said rules generally prohibit the possession or consumption of alcoholic beverages in areas open to and most commonly used by the general public on campus grounds. The rules authorize the Board to waive the prohibition pursuant to Board policies and procedures. The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by and in compliance with this policy. The grant of any such waiver shall be determined by the chief executive officer ("CEO") only in compliance with this Policy and in accordance with the provisions set forth herein, and not as a matter of right to

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any other person or party, in doing so, the chief executive officer must ensure that the decisions to allow possession and consumption of alcoholic 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. Waiver of the prohibition against possession 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 therefore. Staff of the State Board of Education shall prepare and make available to the institutions the form for an Alcohol Beverage Permit and the form for an Application for Alcohol Beverage Permit which is consistent with this Policy. Upon issuance of an Alcohol Beverage Permit, a copy of the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board. An Alcohol Beverage Permit may only be issued to allow the sale or consumption of alcoholic beverages on public use areas of the campus grounds provided that all of the following minimum conditions shall be 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 (hereinafter "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 and consumption of alcoholic beverages. The time period for the activity must be a single contiguous time period for a separate defined occurrence (such as a dinner, a conference, a reception, a concert, a sporting competition and the like). An extended series of events or a continuous activity with no pre-determined conclusion shall not be a Permitted Event. The area or location of the Permitted Event, the restricted space or area therein for 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. The serving of alcoholic beverages must be part of a planned food and beverage program for the Permitted Event, rather than a program serving

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- alcoholic beverages only. 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 as readily available as alcoholic beverages at the Permitted Event.
  - iv. A Permitted Event must be one requiring paid admission through purchase of a ticket or through payment of a registration fee, or one where admission is by written or electronic personal invitation. Events generally open to participation by the public without admission charges or without written or electronic personal invitation shall not be eligible for an alcoholic beverage permit. Only persons who have purchased a ticket or paid a registration fee for attendance at a Permitted Event, or who have received a written or electronic invitation to a Permitted Event, and who are of lawful age to consume alcoholic beverages, will be authorized to possess and consume alcoholic beverages at the Permitted Event.
  - v. Permitted Events which are generally open to the public through purchase of a ticket (such as sporting events, concerts or other entertainment events) must set out a confined and defined area where alcoholic beverages may be possessed and consumed. For such events, the defined area where alcoholic beverages may be possessed and consumed shall be clearly marked as such, and shall be separated in a fashion 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. Only those individuals lawfully attending the Permitted Event who are of lawful age to consume alcoholic beverages may be allowed into the area where alcohol is served, provided that such individuals may be accompanied by minors for whom they are responsible, but only if such minors are, at all times, under the supervision and control of such individuals. For such events there shall be sufficient space outside of the area where alcoholic beverages may be possessed and consumed to accommodate the participating public who do not wish to be present where alcoholic beverages are being consumed.
  - vi. Except as provided for in c. and d. below, no student athletic events, (including without limitation NCAA, NIT, NAIA and intramural student athletic events) occurring in college or university owned, leased or operated facilities, or anywhere on campus grounds, shall be Permitted Events, nor shall a Permitted Event be allowed in conjunction with any such student athletic event.
  - vii. An Alcohol Beverage Permit for a Permitted Event to which attendance is limited to individuals who have received a personal written or electronic

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invitation, or to those who have registered to participate in a particular conference (for example, a reception, a dinner, an exclusive conference) may allow alcoholic beverages to be possessed and consumed throughout the area of the event, provided that the area of the event is fully enclosed, and provided further that the area of the event must be 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. Additionally, the area of the Permitted Event must not be open to access by the general public, or to access by persons other than those properly participating in the Permitted Event.

- viii. Application for an Alcohol Beverage Permit must be made by the organizers of the event. Such organizers must comply 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.
- ix. 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.
- x. 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. Any alcoholic beverages allowed at a Permitted Event shall be supplied through authorized contractors of the organizers (such as caterers hired by the organizers). In no event shall the institution supply or sell alcoholic beverages directly. 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.
- xi. The person/group issued the Beverage Permit and the contractors supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the Permitted Event. Further, the person/group must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage limits sufficient to meet the needs of the institution, but in no case less than \$1,000,000 minimum coverage per occurrence. Such insurance must list the permitted person/group, the contractor, the institution, the State Board of Education and the State of Idaho as additional insured's, and the proof of insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insured's.

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- xii. The Alcohol Beverage Permit shall set forth the time at which sale, service, possession and consumption of alcoholic beverages will be permitted, which times 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.
- xiii. These guidelines shall apply to both institutional and non-institutional groups using institutional facilities.
- c. The sale or consumption of alcoholic beverages on campus grounds in conjunction with NCAA athletic events is prohibited except for certain listed pre-game events and service in venue suite areas as described below. Alcohol service at pre-game events and in-suite areas is limited to the locations listed below only. No other locations are allowed. Each year an institution that wishes to seek Board approval must present a written proposal to the Board, at the Board's regularly scheduled June Board meeting for the ensuing year. The proposal must include detailed descriptions and drawings of the areas where events which will include alcohol service will occur. The proposal must meet the following criteria and, upon review by the Board, may also include further criteria and restrictions in the Board's discretion. An institution's proposal shall be subject to the following minimum conditions:
- i. Approved Locations:
- 1) Boise State University:
    - Caven-Williams Sports Complex (Pre-game football)
    - Allen Noble Hall of Fame Gallery (Pre-game football)
    - Alumni and Friends Center (Pre-game football)
    - Stueckle Sky Center (In-suite football)
    - Double R Ranch Club Room – Taco Bell Arena (In-suite/Club room basketball)
  - 2) Idaho State University:
    - Exterior of Holt Arena - east end area adjacent to the Sports Medicine Center (Pre-game football)
  - 3) University of Idaho:
    - Lighthouse Center/Bud and June Ford Club Room (In-suite/Club Room football and basketball)
    - President's/Corporate Tents – activities field north end (Pre-game football)

Institutions may bring to the Board requests to seek approval to add new or additional facilities to the approved locations list. Such requests will require amendment to the policy.

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- ii. Pre-game events
  - 1) The event must be conducted during pre-game only, no more than three-hours in duration, ending at kick-off.
  - 2) Only patrons who hold tickets to the football game shall be allowed into the event.
  - 3) The event must be conducted in a secured area surrounded by a fence or other methods to control access to and from the area. There must be no more than two entry points manned by security personnel where ID's are checked and special colored wrist bands issued (or similar identification system).
  - 4) A color-coded wrist band (or similar identification) system must identify attendees and invited guests, as well as those of drinking age. No one under the legal drinking age shall be admitted into the alcohol service and consumption area of an event. The area shall be clearly marked and shall be separated in a fashion 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.
  
- iii. In-Suites/Club Rooms
  - 1) Attendance is limited to ticketed patrons and guests,
  - 2) Adult patrons may be accompanied by minors for whom they are responsible, but only if such minors are, at all times, under the supervision and control of such adult patrons.
  - 2) The sale of alcohol must begin no sooner than three hours prior to the start of the athletic contest and must end seventy-five (75) percent of the way into the contest to allow for an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the game prior to the end of the game.
  
- iv. All events, pre-game and in-suite, must meet the following requirements:
  - 1) All ticket holders to the event must be sent a communication outlining the location and Board alcohol policy. The communication must state the minimum drinking age in Idaho is 21 and that at no time is underage drinking and/or serving of alcohol to visibly intoxicated persons allowed.
  - 2) Alcohol-making or -distributing companies are not allowed to sponsor the event. In no event shall the institution supply or sell alcoholic beverages directly. In no event shall invitees or participants in such event be allowed to bring alcoholic beverages into the area, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.

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- 3) The food provider must provide TIPS trained personnel who monitor the sale and consumption of all alcoholic beverages to those of drinking age. Any required local catering permit, and applicable state or local alcoholic beverage permits, shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.
  - 4) Food must be available at the event. Non-alcoholic beverages must be as readily available as alcoholic beverages.
  - 5) Security personnel located throughout the area must monitor all alcohol wristband policies and patron behavior.
  - 6) Event sponsors/food providers must be required to insure and indemnify the State of Idaho, the State Board of Education and the institution for a minimum of \$2,000,000, and must obtain all proper permits and licenses as required by local and state ordinances. 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, must be complied with. Event sponsors/food providers supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the event. Further, event sponsors/food providers must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage and coverage limits sufficient to meet the needs of the institution, but in no case less than \$1,000,000 minimum coverage per occurrence. Such insurance must list the event sponsor/food provider, the institution, the State Board of Education and the State of Idaho as additional insureds, and the proof of insurance must be in the form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.
  - 7) A report must be submitted to the Board annually with details on alcohol service in conjunction with athletic events including any alcohol related incidents reported at a time and in a format set by the Executive Director.
- d. In addition to the Institution sponsored game-day events described in c. above, the CEO of each institution may designate (subject to annual board approval) specific parking lots or limited areas of university grounds with controlled access as tailgate areas for home NCAA football games or NCAA bowl games hosted by the institution. Only game patrons authorized by the institution will be allowed to park and tailgate in the designated tailgate areas with their private guests. Locations, times and dates will be submitted to the Board for approval.

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Within tailgate areas, authorized 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. Alcohol consumption in tailgating areas shall be limited to the times approved by the Board and at no time shall extend beyond 10:00am through 10:00pm of the day of each NCAA football game hosted by the institution. Alcohol 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.

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. 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.

Institution sponsored private game-day events at which alcohol may be served by the institution remain subject to the requirements set forth in c. above. Institutions will report to the Board regarding the tailgate area at the same time as they report to the Board regarding the private game-day events under Board Policy.

- e. The sale or consumption of alcoholic beverages on campus grounds in conjunction with NCAA post season athletic competition shall be permitted under the same conditions ii. through iv., as described in subsection c. above, except that the minimum amount of insurance/indemnification shall be \$5,000,000.
- 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. 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 room mate or roommates) as their individual living space.

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3. Alcohol-making or -distributing companies shall not be allowed to advertise goods or services on campus grounds or in any institutional facilities.