

PR 5

Office of the President
June 19, 2015

Members, Board of Trustees:

AMENDMENT TO ADMINISTRATIVE REGULATIONS:
UNIVERSITY ALCOHOL POLICY

Recommendation: that the Board of Trustees endorse the attached revision to the University of Kentucky's Alcohol Policy (*Administrative Regulation 6:4*).

Background: The University's *Administrative Regulation 6:4, University Alcohol Policy*, defines the policies and procedures for the use, sale, or serving of alcoholic beverages on certain University premises and at University events.

In May 2013, the President appointed a broad-based committee of faculty, staff, students, subject-matter experts, and representatives of Lexington-Fayette Urban County Government and neighborhoods surrounding the University to review the University's philosophy, policies, and procedures related to alcoholic beverages on campus and at University events. The proposed revision follows several months of review and reflects consultation with and input from various constituency groups, including the UK Alumni Association, Dean's Council, Neighborhood Association, Off-Campus Housing, Office of Vice President for Student Affairs, Risk Management Advisory Committee, Staff Senate, Student Government Association, University Neighborhood Advisory Committee and University Senate.

The revised policy expands the University locations and types of University events at which alcoholic beverages can be served or sold to include:

- limited events and locations at fraternity/sorority houses and facilities of other registered student organizations;
- limited events and locations at student residence halls;
- Student Center facilities and dining facilities; and
- areas around Commonwealth Stadium during game days.

The revision includes the following specific rules and limitations:

- Events held at fraternity houses, sorority houses, facilities of other registered student organizations, or residence halls must be held in common outdoor spaces designated and approved by the University.

- Alumni-focused events may be held at designated common indoor areas of fraternity/sorority houses upon approval of the University.
- The events must have a majority of attendees over the age of twenty-one (21) years of age and Alcoholic beverages may not be served or sold to individuals under twenty-one (21) years of age.
- UK Catering or a licensed, insured caterer approved through UK Purchasing must serve or sell the alcoholic beverages at approved events.
- Alcoholic beverages may be used in areas surrounding Commonwealth Stadium for home football games and the Blue/White Game in accordance with policies for tailgating are issued by UK Athletics.

A revised copy of *Administrative Regulation 6:4, University Alcohol Policy*, is attached.

Action taken: Approved Disapproved Other _____



UNIVERSITY OF KENTUCKY®

Regulations

Administrative Regulation 6:4

Responsible Office: [Executive Vice President for Finance and Administration / Student Affairs](#)

Date Effective: [DRAFT 8/14/2012](#)

Supersedes Version: [8/14/2012](#)
~~11/15/2006~~

University Alcohol Policy

Major Topics

[Entities Affected](#)

[Policy](#)

[Definitions](#)

[General Rules](#)

[Prohibited Uses of Alcohol](#)

[Serving and Sale of Alcoholic Beverages](#)

[University Facilities and Events where Alcohol is Permitted](#)

- [University Facilities and Events where Alcoholic Beverages May be Served, Sold, or Used](#)
- [University Facilities and Events where Alcoholic Beverages are Permitted for Private Use](#)

[Guidelines for Event Planning](#)

[Appendix - Applicable State Laws](#)

I. Introduction

This regulation establishes the University's policies and procedures for ~~using, serving, and selling,~~ and using alcoholic beverages on property owned, leased, or controlled by the University, and at University events.

The University is committed to providing a healthy and safe workplace for all members of the University community. The possession and consumption of alcoholic beverages is controlled by Kentucky law, local ordinances, and University regulations. All members of the University community shall abide by these laws and regulations.

The oversight, implementation, and enforcement of this Administrative Regulation is delegated to the Executive Vice President for Finance and Administration (EVPFA). The EVPFA may in turn delegate those responsibilities to other University offices or officials as appropriate and as provided in this regulation. The EVPFA has delegated approval of events involving students to the Vice President for Student Affairs.

The policies and procedures for issues related to employee (student employees, faculty and staff) substance abuse are found in *Human Resources Policy and Procedure Number 14.0*. The policies and

procedures related to student organizations and ~~the students'~~ substance abuse, including alcohol abuse, are found in the *Code of Student Conduct* and applicable contracts such as housing contracts.

II. Entities Affected

This Administrative Regulation applies to all members of the University community, including faculty, staff, students, and visitors.

III. Policy

The University ~~of Kentucky~~ prohibits ~~the use,~~ serving, ~~or sales~~selling, or using ~~of~~ alcoholic beverages on University property and at University events and activities, except as specifically authorized by this regulation.

IV. Definitions

A. Alcoholic Beverages

Alcoholic beverages shall have the same meaning and definition as provided by the laws of the Commonwealth of Kentucky in the Kentucky Revised Statutes.

B. Caterer

Caterer means UK Catering or a vendor on the UK Purchasing Division's approved caterer list and holding an appropriate liquor license.

C. Employee

Employee means any person defined as an employee in Human Resources Policy Number 4.0, including student employees, and shall mean employees acting within the course and scope of employment. Employee shall not mean a volunteer or independent contractor.

D. Registered Student Organization

Registered student organization means a student group registered and in good standing with the Office of Student Affairs in accordance with Administrative Regulation 4:1, Registration of Student Organizations.

E. Student

Student means an individual enrolled in any credit- or noncredit-bearing course or participating in any academic program administered by the University.

~~D. University Student Housing~~

~~University Student Housing means all places of residence owned or leased by the University in which students reside.~~

F. University Events

University events means ~~are events,~~ functions, programs, and other activities that:

1. Occur on University property; ~~or~~
2. Are sponsored by the University; ~~or~~
3. Are promoted, advertised or recognized as a University activity; ~~or~~
4. Are paid for through use of any University funds; ~~or~~
5. Are sponsored by a registered student organization and held on Univeristy property or at the organization's off-campus facility.

G. University Property

University property means any real property, buildings, and facilities under the primary control of the University through ownership, lease, or other means. ~~For purposes of this regulation, University property does not include property, buildings, or facilities leased by the University to a private company on a long-term lease, such as properties on Coldstream Research Campus, or to leased suites at Commonwealth Stadium.~~

H. Visitor

Visitor means any person on University property who is neither an employee nor a student.

V. General Rules ~~Authorized and Prohibited Uses of Alcohol~~

- A. ~~Use~~ Serving, selling, or using ~~of~~ alcoholic beverages on University property and at University events shall be in compliance with all applicable ~~not violate any~~ Kentucky laws, local ordinances, and ~~or any~~ University regulations.
- B. All University events where alcoholic beverages are served, sold, or used shall be approved in accordance with this regulation. ~~Alcoholic beverages are not permitted in classrooms, laboratories, and offices.~~
- ~~C. Alcoholic beverages are prohibited in undergraduate housing leased from or supervised by the University. This includes residence halls, fraternities, sororities, and the undergraduate sections of University apartments. This restriction promotes and maintains an environment conducive to study for residents, the vast majority of whom are under twenty-one years of age.~~
- C. House corporations which supervise fraternity and sorority ~~Greek~~ chapter houses on property leased from the University shall ~~establish~~ be responsible for ensuring that the organization complies with all applicable Kentucky laws, local ordinances and University regulations concerning alcoholic beverages. ~~house rules consistent with Kentucky law, local ordinances, and University regulations, and are responsible for ensuring compliance by house residents.~~ Violation ~~of of the terms of the lease or~~ University regulations may result in termination of the lease. Events held at such fraternity and sorority chapter houses shall be subject to the policies and procedures established by this regulation. (See in particular, Section VII and Section VIII.A.12)
- E. ~~Registered student organizations shall comply with University regulations and with state and local laws regarding the conduct of members and guests at all times. For social occasions, student organizations shall abide by the Guidelines for Event Planning at the University of Kentucky published by the Dean of Students. http://www.uky.edu/Student_Affairs/Greek/evntplan.pdf~~

~~During social events, student officers shall be accountable for compliance by members and guests. Violation of this regulation may result in discipline of the organization under the Code of Student Conduct, including withdrawal of student organization registration.~~

~~F. Alcoholic beverages are prohibited at University athletic events, except as provided in Sections VI and VII of this regulation.~~

~~G. Alcoholic beverages are permitted in graduate student apartments and houses, married student housing, and non-student residential housing, provided such use does not violate any law or University regulation.~~

VI. Prohibited Uses of Alcohol

Except as provided in Sections VII and VIII of this Regulation, alcoholic beverages are prohibited in:

- A. ~~Alcoholic beverages are not permitted in~~ Classrooms, laboratories, and offices, and office suites.
- B. ~~Alcoholic beverages are prohibited in~~ Undergraduate housing leased from or supervised by the University. This includes residence halls, fraternities, sororities, fraternity and sorority houses (on or off campus), and the undergraduate sections of University apartments. This restriction promotes and maintains an environment conducive to study for residents, the vast majority of whom are under twenty-one (21) years of age.
- C. ~~Alcoholic beverages are prohibited at~~ University athletic facilities and events, ~~except as provided in Sections VI and VII of this regulation.~~

VII. Serving and Sales of Alcoholic Beverages

- A. The EVPFA Provost or appropriate executive vice president may authorize the serving or sale of alcoholic beverages on University property or at University events, provided that such use does not violate any law or University regulation and meets all of the requirements of this Administrative Regulation. Written requests shall be directed to the EVPFA Provost or appropriate executive vice president, with a copy sent to the Office of Legal Counsel.
- B. In addition, reservation of any facility is subject to approval of the University official responsible for the facility, and reservations are subject to University regulations on facilities.
- C. Approved events at which alcohol beverages are served or sold shall meet the following requirements:
 - 1. Be a private event and not open to the public;
 - 2. Be an event for which tickets have been sold or invitation or membership is required;
 - 3. Be held at a designated space in one of the facilities or areas listed in Section VIII.A below or inside another specifically designated and approved space; and
 - 4. Be an event where the majority of the attendees are age twenty-one (21) and above.
- D. UK Catering or a caterer officially approved by the UK Purchasing Division, and licensed and in good standing with the Kentucky Alcohol Beverage Control Board ~~or UK Catering Services~~ shall be responsible for the serving and sale of the alcoholic beverages on University property or at University events.

- ~~E. The sponsor of the event shall present a copy of the alcohol license to the University official that is responsible for the facility.~~
- E. The caterer shall be insured for the event either through a rider to an existing policy or through the purchase of event insurance coverage. Such coverage shall include naming of the University as an additional insured party and shall be in an amount determined by the [Office of Risk Management](#)~~Executive Vice President for Finance and Administration~~.
- F. The sponsor of the event [and the licensed, insured caterer](#) shall take affirmative [and appropriate](#) steps to ensure that persons under the age of twenty-one ([21](#)) are not served alcohol.
- G. If the sponsor of the event is an off-campus organization or business, the sponsor shall sign a statement that the University, its Board of Trustees, and the University's agents, officers, and employees shall be held harmless for any accident, death or injury to life or property that might be found attributable to the event.
- H. ~~The s~~[Serving, selling, or using or sale of](#) alcoholic beverages at any official University event that is held at a personal residence or other off-campus private facility, shall comply with all aspects of this regulation. This includes using [UK Catering Services or](#) a caterer officially approved by UK Purchasing [Division](#) to serve or sell the alcohol. Direct payment or reimbursement to individuals will not be made for purchases or sales of alcohol in violation of this regulation. (See *BPM E-7-10, Discretionary Policy*, and *BPM B-3-2, Payment Request Document (BPM B-3-2)*)
- [I. The EVPFA may require security measures or security personnel for an event. Security personnel used shall have the approval of the University Police Department.](#)

VIII. University Facilities [and Events](#) where Alcoholic Beverages are Permitted

A. [University Facilities and Events where Alcoholic Beverages May be Served or Sold](#) (**Subject to Section VII of this Regulation**)

Generally, alcoholic beverages are not served or sold [on University property or at University events](#)~~in academic facilities~~. However, upon approval of the ~~Provost or appropriate executive vice president~~[EVPFA](#), and in accordance with [all the requirements of Section VII](#) ~~the requirements~~ of this regulation, alcoholic beverages may be served or sold in the following University facilities [and events](#):

1. ~~A f~~[Facilities](#) leased by the University to a corporation holding a valid alcohol license, including but not limited to the [Hilary J. Boone Center](#) (formerly known as the Faculty Club) and Spindletop Hall Club;
2. [University events held at](#) ~~P~~private residences such as Maxwell Place, ~~the private~~ homes [owned by the University and furnished or leased to individuals](#)~~of farm workers and managers~~, and residences [at of the](#) College of Agriculture Cooperative Extension Service off-campus property;
3. King Alumni House;
4. [UK Athletics Department Facility Rentable Spaces](#)~~Commonwealth Stadium suites and leased spaces/facilities~~⁴; ~~5. Nutter Fieldhouse, Multipurpose Room;~~
5. UK/LFUCG Arboretum;

⁴~~Alcohol is permitted in Commonwealth Stadium suites and other leased spaces/facilities in accordance with the terms of the lease agreement.~~

6. Singletary Center for the Arts;
7. Main Building;
8. Coldstream Research Campus;
9. E.S. Goodbarn; ~~and~~
10. Student Center (in accordance with the facility regulations on alcohol or as approved by the Student Center Executive Director);
11. Dining facilities (in accordance with the dining facilities regulations on alcohol as approved by UK Dining Services);
12. Designated *outdoor* common areas of fraternity and sorority houses (on or off campus), and other registered student organization affiliated houses or facilities, in accordance with the following:
 - (a) Outdoor common areas shall be designated by the Event Management Office (within the Office of the Executive Director of the Student Center) and the individual or office responsible for the facility;
 - (b) Outdoor common areas are limited to outdoor spaces that are connected to, or near, the facility;
 - (c) Events shall be approved by the Event Management Office (within the Office of the Executive Director of the Student Center) and the Office Student Involvement or Fraternity and Sorority Affairs Office, as applicable;
 - (d) Events shall comply with the Guidelines for Event Planning at the University of Kentucky published by the Dean of Students and other policies published by the approving offices;
 - (e) Events are limited to the members of the organization and their invited guests; and
 - (f) Registered student organizations shall comply with all Kentucky laws, local ordinances, and University regulations regarding the conduct of members and guests at such events at all times. Student officers shall be accountable for compliance by members and guests during social events. Violation of this regulation may result in discipline of the organization under the Code of Student Conduct, including withdrawal of student organization registration.
13. Designated *indoor* common areas of fraternity and sorority houses (on or off campus) and other registered student organization affiliated houses or facilities for the purpose of hosting an alumni-focused event, and in accordance with the following:
 - (a) Indoor common areas shall be designated by the Event Management Office (within the Office of the Executive Director of the Student Center), the individual or office responsible for the facility, and the alumni chapter of the fraternity, sorority, or other registered student organization hosting the event;
 - (b) Events shall be approved by Event Management Office (within the Office of the Executive Director of the Student Center) and the Office of Student Involvement or the Fraternity and Sorority Affairs Office, as applicable;
 - (c) Events shall comply with the Guidelines for Event Planning at the University of Kentucky published by the Dean of Students and other policies published by the approving offices;

(d) Events are limited to the members of the organization and their invited guests; and

(e) Events are limited to two (2) events per semester for each organization.

14. Designated common outdoor areas of residence halls, in accordance with the following:

(a) Outdoor common areas shall be designated by the Event Management Office and the Office of Residence Life;

(b) Common areas are limited to outdoor spaces that are adjacent to, or near, the facility;

(c) Events shall be approved by Event Management Office (within the Office of the Executive Director of the Student Center) and the Office of Residence Life; and

(d) Events shall comply with the Guidelines for Event Planning at the University of Kentucky published by the Dean of Students.

15. The following designated areas of UK HealthCare:

a. Chandler Hospital Courtyard and pre-function area adjacent to auditorium;⁷

b. Markey Board Room and adjacent area;⁷

c. Conference Room 317A, Wethington Building, after 5:00 pm, or weekends and holidays;⁷

d. Good Samaritan Board Room, after 5:00 pm, or weekends and holidays;⁷ and

e. Conference Room 1st floor, College of Medicine Dean's Office, 138 Leader Avenue, after 5:00 pm or weekends and holidays.

16. Additional on-campus spaces, as designated and approved by the Event Management Office in consideration of the appropriateness of the location, time, and purpose of the event.

B. University Facilities and Event where Alcoholic Beverages are Permitted for Private Use (Not Subject to Section VII of this Regulation)

The private use of alcoholic beverages is permitted on the following University properties, provided such use does not violate any law, local ordinance, or University regulation:

1. Private residences such as Maxwell Place, ~~the private~~ homes owned by the University and furnished or leased to individuals of farm workers and managers, and residences ~~of the~~ College of Agriculture Cooperative Extension Service off-campus property;

2. ~~Alcoholic beverages are permitted in g~~ Graduate student apartments and houses, married student housing, and non-student residential housing; ~~provided such use does not violate any law or University regulation.~~

3. Property, buildings, or facilities leased by the University to a private company on a long-term lease, such as properties on Coldstream Research Campus, or UK Athletic facility premium spaces, in accordance with the terms of the lease agreement; and

4. Areas surrounding Commonwealth Stadium for home football games and the Blue/White Game. Additional policies for tailgating are issued by UK Athletics. (add hyperlink to Guidelines)

(See: <http://www.ukathletics.com/fbgameday/parking.html#tailgating> and <http://www.uky.edu/studentcenter/policies>)

IX. Guidelines for Event Planning

The Guidelines for Event Planning published by the Dean of Students are applicable to all registered student organizations and other students or groups who hold events in accordance with Section VIII.A.14 of this regulation.

<http://getinvolved.uky.edu/sites/getinvolved.uky.edu/files/img/uploads/Event%20Planning%20Guidelines.pdf>

For questions regarding the Guidelines for Event Planning, please contact the Dean of Students Office at (859) 257-3754

References and Related Materials

[KRS 244.080](#); [KRS 244.085](#); [KRS 525.100](#)

[OAG 74-39](#)

[OAG 87-11](#)

HRP&P 4.0, Employee Status

HRP&P 14.0, Substance Abuse

BPM E-7-10, Discretionary Policy

BPM B-3-2.III.D, Payment Request Document

Code of Student Conduct

Revision History

10/1/1988, 7/1/1998, 11/15/2006, 8/14/2012

For questions, contact: [Office of Legal Counsel](#)

Appendix

Kentucky Statutes Applicable to the Use of Alcoholic Beverages

1. It is unlawful for a retail licensee to sell, give, purchase, or procure any alcoholic beverage for anyone under twenty-one years of age. (See KRS 244.080)
2. It is unlawful for a person to possess or consume alcoholic beverages when under twenty-one years of age. (See KRS 244.085)
3. It is unlawful for anyone under twenty-one years of age to misrepresent his or her age for the purpose of purchasing alcoholic beverages. (See KRS 244.085)

4. It is unlawful for anyone under twenty-one years of age to use or attempt to use any false, fraudulent or altered identification card, paper, or other document to purchase any alcoholic beverage. (See KRS 244.085)
5. It is unlawful for anyone to aid or assist any person under 21 years of age in purchasing, or having delivered or served to him or her, any alcoholic beverages. (See KRS 244.085)
6. It is unlawful for anyone to drink or be under the influence of any alcoholic beverage in public place(s). (See KRS 525.100)
 - (a) "Public place" means a place to which the public or a substantial group of persons has access and includes but is not limited to highway and transportation facilities, schools, places of amusement, parks, places of business, playgrounds, and hallways and lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. (See KRS 525.010)
 - (b) The Attorney General has written: A state university campus is a "public place" and the school buildings located thereon are public buildings, so that the drinking of alcoholic beverages on the campus or in the buildings is a violation of law. (OAG 74-39)
 - (c) The Attorney General also has written: A dormitory room on a state university campus is not a "public place" within the definition found in KRS 525.010. (OAG 87-11)
 - (d) The Attorney General has written further: It must be remembered that this opinion does not concern or affect the landlord tenant relationship between state universities and their student dormitory residents. As landlords, state universities continue to have the authority to include as a term of the dormitory room rental agreement a prohibition as to or restrictions on the consumption of alcoholic beverages within the premises leased, even though the student resident may be 21 years or older. (OAG 87-11)