



9.1.3R

Volume 9, Safety, Security and Environment
Chapter 1, Alcohol on Campus
Section 3, Consumption, Sale, and Service of Alcoholic Beverages at EKU
Center for the Arts

Approval Authority: President

Responsible Executive: University Counsel

Responsible Office(s): University Counsel

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Consumption, Sale, and Service of Alcoholic Beverages at EKU Center for the Arts

Statement

The possession, service, sale, and consumption of alcoholic beverages at the EKU Center for the Arts ("Center") is governed by Eastern Kentucky University ("University") Policy and Regulations 9.1.1P "Consumption and Serving of Alcoholic Beverages on Campus" ("University Alcohol Policy"), municipal ordinances, and Commonwealth of Kentucky statutes and regulations, as well as the specific requirements of this Policy ("Center Alcohol Policy").

The EKU Center for the Arts is a performance hall designed to accommodate a large variety of events ranging from intimate theatre productions of a few hundred guests to large concerts of over 2,000 individuals. Because of the nature of the business of the Center, a determination has been made that a separate University policy governing the sale, service, and consumption of alcoholic beverages at the Center is necessary. This policy is consistent with the spirit of the Consumption and Serving of Alcoholic Beverages on Campus, Policy No. 9.1.1P, while setting forth the specific requirements and procedures for the Center's particular activities.

Entities Affected

- Entire campus community
- Campus visitors

Procedures

1. Consistent with the philosophy stated in the Regulation Statement, the University requires compliance with the following:
 - 1.1. The possession, service, sale, and consumption of Alcoholic Beverages in Center facilities must not violate state and local laws or University regulations or procedures developed and approved by the President to implement this Regulation.
 - 1.2. The possession, service, sale, and consumption of Alcoholic Beverages in Center facilities is strictly prohibited with the exception of those locations and circumstances set forth in Appendix A.
 - 1.3. Alcoholic Beverages may be served, sold, and consumed at approved functions only at the locations set forth in Appendix A or other such locations as the President may approve. Such service, sale, and consumption shall be in compliance with the provisions set forth in this Regulation.
2. **Authority:** The University President has designated responsibility for the regulation of the sale, service and consumption of Alcoholic Beverages on the University campus to the University Counsel. The Executive Assistant to the President has the final authority to determine the appropriateness of the sale, service, advertisement, promotion, and consumption of alcohol at the Center.

3. Conditions for Service, Sales, Possession or Consumption of Alcoholic Beverages

- 3.1. Sale and Service of Alcohol to Minors Prohibited:** Sale and consumption of Alcoholic Beverages is limited to persons twenty-one (21) years of age or older. No one under that age shall be sold or served Alcoholic Beverages. Caterer assumes all responsibility for compliance with this requirement.
- 3.2. Serving of Alcohol:** Alcohol may be sold and/or served as a part of an Event under the provisions of this Regulation only if served by a Licensed Server. Licensed Servers cannot be an employee of the University. All Licensed Servers must be at least twenty-one (21) years of age. University employees are not allowed to sell or serve Alcoholic Beverages.
- 3.3. Food and Non-Alcoholic Beverages Must Be Made Available:** Caterer must have food and non-Alcoholic Beverages for sale at Public/Private Events at which Alcoholic Beverages are sold or served. Non-Alcoholic Beverages must be available at a price equal to or less than the price of the alcoholic beverage(s) being served. Colored and clear drink cups MUST be used to distinguish between Alcoholic and non-Alcoholic Beverages except in certain circumstances where appropriate formal stemware is used.
- 3.4. Intoxicated Persons May Not Be Served:** Intoxicated persons shall not be served or permitted to consume Alcoholic Beverages on the premises.
- 3.5. Possession and Consumption of Alcohol:** Persons attending, sponsoring, or hosting any Event cannot bring their own Alcoholic Beverages to a Public/Private Event. Possession and consumption of alcohol beverages must at all times be within the confines of the Designated Space(s) as set forth in Appendix A to this Regulation. No alcoholic beverage may be carried or consumed outside of Designated Space(s).
- 3.6. Time of Service Limited:** Alcoholic beverage service shall be limited to a total of not more than five (5) hours at an approved Public/Private Event. Additionally, service of alcohol must conclude one (1) hour prior to the scheduled conclusion of the Public/Private Event.
- 3.7. Alcohol Must Remain in Designated Space(s):** Alcoholic Beverages may not be sold, served, carried, or consumed outside of areas designated and approved for a specific event.
- 3.8. Additional Conditions:** Other conditions and requirements may be imposed by the Center Executive Director or the University Counsel on an event-by-event basis as deemed necessary to encourage responsible consumption of alcohol. Such requirements are not limited to but could include limitations on time of service, or the use of security to assist in securing compliance with this Regulation.
- 3.9. Event Advertising and Promotion:** Promotions and advertisements for Public/Private Events are permitted to state that alcohol will be sold or served, provided the name of the Caterer is prominently displayed. Information directly related to the Public/Private Event should be the prominent emphasis in the advertisement/promotion. Any reference to the sale and/or service of alcohol must be in a smaller font than the Public/Private Event information.

Example: Advertisement could state "Food and alcoholic beverages will be available through XXXXX (Licensed Caterer)."

- 3.10. Common Alcohol Sources:** Common alcohol sources (i.e., kegs, beer balls, party punches, champagne fountains, etc.) are strictly prohibited. Alcoholic Beverages to be sold and/or served are restricted to wine (including champagne) and beer.
- 3.11. Sunday Sales Limitation:** Sunday sales of alcohol are prohibited by the provisions of KRS 244.290 and KRS 244.480. The service of alcohol on Sunday is prohibited by this University Regulation.
- 3.12. University as Sponsor:** Except for Events produced by the Center, University employees cannot represent the University (or any of its subsidiary departments and offices) as the Sponsor of a Public/Private Event at which Alcoholic Beverages are served and/or sold without express written permission from their appropriate University Vice President. University students and/or University Registered Student Organizations are prohibited from sponsoring a Public/Private Event where alcohol will be served and/or sold.

4. **Procedures and Requirements for Approval for University Sponsored Events:** When the University is the Sponsor of the Event, the responsibilities of the Sponsor and Caterer are as follows:

4.A. University/Sponsor's Responsibilities:

- 4.A.1. University/Sponsor must submit to the Office of University Counsel, **no less than ten (10) business days prior** to the Public/Private Event, a copy of the following:
- 4.A.1.a. Applicable completed form titled "EKU Center for the Arts Event @ EKU Center for the Arts Request for Approval of Caterer to Serve Alcoholic Beverages and Agreement" **OR** "Other EKU Department Event @ EKU Center for the Arts Request for Approval of Caterer to Serve Alcoholic Beverages and Agreement" See links.
- 4.A.1.b. applicable ABC permits, pursuant to Chapter 243 of the Kentucky Revised Statutes
- 4.A.1.c. evidence that the Licensed Server(s) to be used at the Public/Private Event has (have) a current certification of completion from S.T.A.R. or TIPS.
- 4.A.1.d. evidence that Caterer has continuous in-force certifiable insurance coverage identified below in paragraph 4.B.4. below.
- 4.A.2. University/Sponsor must provide to the Caterer a copy of this Consumption, Sale, and Service of Alcoholic Beverages at EKU Center for the Arts Regulation.

4.B. Caterer's Responsibilities:

- 4.B.1. The Caterer is responsible for ensuring compliance with University policies and all state and local laws and regulations governing the sales, service, and consumption of Alcoholic Beverages on University property and in University facilities.
- 4.B.2. All Caterers providing catering services at a Public/Private Event must enter into a written contractual agreement approved by the University.
- 4.B.3. Caterer must review and be familiar with this Consumption, Sale, and Service of Alcoholic Beverages at EKU Center for the Arts Regulation.
- 4.B.4. Caterer must conspicuously post a copy of the applicable license at a minimum of one Serving Station.
- 4.B.5. Caterer must have continuous in-force certifiable insurance coverage as follows:
- 4.B.5.a. **Worker Compensation** in the amount of no less than one million dollars (\$1,000,000).
- 4.B.5.b. **Employer's Liability** in the amount of \$500,000/\$500,000/\$500,000.
- 4.B.5.c. **Commercial General Liability**, including completed operations/products, and blanket contractual liability (including defense and investigation costs) in the amount of \$1,000,000 **each** occurrence (BI & PD combined); \$2,000,000 Products and Completed Operations Aggregate. The University **must** be named as an additional insured on this Regulation.
- 4.B.5.d. **Business Automobile Liability**, covering owned, leased, or non-owned autos in the amount of \$1,000,000 minimum.
- 4.B.5.e. **Caterer's Serving Alcohol: Host Liquor Liability** in the amount of \$1,000,000 each occurrence.

5. **Procedures and Requirements for Approval for Third-Party Sponsored Events:** When an Event is a Third Party Sponsored Event, as defined in this Regulation, the responsibilities of the University and the Sponsor are:

5.A. University's Responsibilities:

- 5.A.1. Provide to the Sponsor a full copy of this Consumption, Sale, and Service of Alcoholic Beverages at EKU Center for the Arts Regulation and the form titled "Third Party Event @

EKU Center for the Arts Request for Approval to Serve Alcoholic Beverages and Agreement.” See link.

- 5.A.2. Complete, sign and date the Approval for Use of Facility(ies) section of the form titled “Third Party Event @ EKU Center for the Arts Request for Approval to Serve Alcoholic Beverages and Agreement.”
- 5.A.3. Ensure that Sponsor has appropriate insurance coverages as specified in this Regulation.
- 5.A.4. Ensure that approval has been granted prior to the start of the Event.

5.B. Sponsor’s Responsibilities:

- 5.B.1. Sponsor must submit to the Office of University Counsel, **no less than ten (10) business days prior** to the Public/Private Event, a copy of the following:
 - 5.B.1.a. completed form titled “Third Party Event @ EKU Center for the Arts Request for Approval to Serve Alcoholic Beverages and Agreement.” See link.
 - 5.B.1.b. applicable ABC permits, pursuant to Chapter 243 of the Kentucky Revised Statutes
 - 5.B.1.c. evidence that Sponsor has general liability insurance coverage in an amount of not less than one million dollars (\$1,000,000) for the Event.
 - 5.B.1.d. evidence that the Licensed Server(s) to be used at the Public/Private Event has (have) a current certification of completion from S.T.A.R. or TIPS.
 - 5.B.1.e. evidence that Caterer has continuous in-force certifiable insurance coverage as follows:
 - 5.B.1.e.i. **Worker Compensation** in the amount of no less than one million dollars (\$1,000,000).
 - 5.B.1.e.ii. **Employer’s Liability** in the amount of \$500,000/\$500,000/\$500,000.
 - 5.B.1.e.iii. **Commercial General Liability**, including completed operations/products, and blanket contractual liability (including defense and investigation costs) in the amount of \$1,000,000 **each** occurrence (BI & PD combined); \$2,000,000 Products and Completed Operations Aggregate. The University **must** be named as an additional insured on this Regulation.
 - 5.B.1.e.iv. **Business Automobile Liability**, covering owned, leased, or non-owned autos in the amount of \$1,000,000 minimum.
 - 5.B.1.e.v. **Caterer’s Serving Alcohol: Host Liquor Liability** in the amount of \$1,000,000 each occurrence.
- 5.B.2. Sponsor must ensure that the Caterer conspicuously posts a copy of the applicable license at a minimum of one Serving Station.
- 5.B.3. Sponsor must provide to the Caterer a copy of this Consumption, Sale, and Service of Alcoholic Beverages at EKU Center for the Arts Regulation and must ensure that the Caterer complies with this Regulation.

Definitions

ABC Permit

Permit issued by the Commonwealth of Kentucky providing authorization to serve Alcoholic Beverages, pursuant to Chapter 243 of the Kentucky Revised Statutes.

Alcohol or Alcoholic Beverage	Beer or wine (including champagne).
Caterer	Business entity licensed pursuant to Chapter 243 of the Kentucky Revised Statutes and other applicable statutes that supplies food and beverage services and who assumes all liability for all applicable state law and regulations regarding sales and service of alcohol.
Designated Space(s)	Specified Center venue area(s) within which alcohol may be sold, served, and/or consumed. See Appendix A.
Event	All activities associated with a particular production, performance, conference, etc. at the Center and that may include both Public Events and Private Events.
Licensed Server	Individual who has been certified through an approved educational program designed for individuals who serve and sell Alcoholic Beverages. S.T.A.R. and TIPS certifications are currently acceptable programs; certifications from other programs may be deemed acceptable after review by University Counsel. Licensed Servers cannot be employees of the University.
Organizer/On-Site Contact	Individual, group or organization responsible for organizing, coordinating and communicating all Event logistics with the ECU Center for the Arts. Organizer/On-Site Contact may be ECU faculty, staff or student or a third party. Organizer/On-Site Contact must be present at the event. At times, the Organizer/On-Site Contact and Sponsor may be the same individual. The Organizer/On-Site Contact must be at least twenty-one (21) years of age.
Private Event	Event that may be attended by invitation only and is not advertised to the general public.
Public Event	Event that is open to the public and anyone is allowed to attend.
Server Training in Alcohol Regulations (S.T.A.R.)	Voluntary educational certification program offered by the Commonwealth of Kentucky for the purpose of educating individuals who sell and serve Alcoholic Beverages in Kentucky. Training is not mandated by the Commonwealth but it is required by University policies.
Serving Station	A permanent or semi-permanent location within a Designated Space from which Alcoholic Beverages are sold and/or served.
Sponsor	Individual, group or organization (University employee or department, or third party) who is ultimately responsible for the conference or event, including financial and legal obligations for using campus facilities and/or other services and resources. At times, the Organizer/On-Site Contact and Sponsor may be the same individual. The Sponsor is responsible for ensuring compliance with Eastern Kentucky University Alcohol policies.
Third Party Sponsored Event	Event which is sponsored by an individual, group, or organization not affiliated with or not a part of the University.
Training for Intervention Procedures (TIPS)	Voluntary educational certification program designed to educate people who sell and serve Alcoholic Beverages through on-line or in person training. Training is not mandated by the Commonwealth but it is required by University policies.
University Sponsored Event	An event sponsored by the Center, a department, or a unit affiliated with or a part of the University which is responsible for the financial and legal obligations for using the Center facilities.

Responsibilities

See "Procedures."

Violations of the Regulation

Any person or organization that violates this Regulation may be barred by the University from the sponsorship of future Events at the Center or at the University.

The University reserves the right, at its sole discretion, to terminate the sale, service, and/or consumption of alcohol at any Event held in Center facilities.

Interpreting Authority

Special Assistant to the President

Statutory or Regulatory References

Kentucky Revised Statutes Chapters 241-244

Kentucky Revised Statute 243.033 (governing caterers)

Kentucky Revised Statute 243.260 (governing special temporary licenses)

Relevant Links

Appendix A

Forms:

- ECU Center Event @ ECU Center for the Arts Event Request for Approval of Caterer to Sell/Serve Alcoholic Beverages and Agreement;
- Other ECU Department Event @ ECU Center for the Arts Event Request for Approval of Caterer to Sell/Serve Alcoholic Beverages and Agreement; and
- Third Party Event @ ECU Center for the Arts Request for Approval to Sell/Serve Alcoholic Beverages and Agreement.

Consumption and Serving of Alcoholic Beverages on Campus, Policy 9.1.1P

Regulation Review and Approval

Regulation Issued

Date

February 14, 2012

Entity

President Doug Whitlock

Action

Adopted

**Consumption, Sale, and Service of Alcoholic Beverages
at ECU Center for the Arts**

Appendix A

Approved Locations

Grand Foyer

2nd Floor Foyer

3rd Floor Foyer

Dressing Rooms

Box Seating

Black Box Theatre

Black Box Lobby

Green Room

Grand Hall Stage