

MICHIGAN STATE UNIVERSITY

April 14, 2014

MEMORANDUM

TO: Board of Trustees

FROM: June Pierce Youatt, Acting Provost



SUBJECT: Alcoholic Beverages Ordinance Amendment

RECOMMENDATION

BE IT RESOLVED that the Trustee Policy Committee recommends that the Board of Trustees modify Board Ordinance 21.00 regarding Alcoholic Beverages, as shown on Attachment A.

BACKGROUND

The Board of Trustees first adopted an ordinance regulating the possession and consumption of alcoholic beverages on land governed by the Board on September 15, 1964. Since its initial enactment, the ordinance has been amended six times, most recently on September 16, 2005. The current ordinance is included as Attachment B. The Ordinance is supplemented by a Board-approved document titled "Guidelines for Exceptions to Ordinance 21.03," Attachment C.



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Changes to State law and regulations have resulted in a burgeoning industry for the production of beer, wine, and spirits in Michigan. This, in turn, has generated opportunities for the University, through the College of Agriculture and Natural Resources (CANR), to conduct research and implement academic programs to aid and train the entrepreneurs and farmers entering this industry. Examples of CANR initiatives in this area include the Department of Food Science and Nutrition's MSU Artisan Distilled Research Facility and its Beverage Science and Technology specialization, whose curriculum involves production of beer, wine, and spirits. CANR's Department of Horticulture is seeking approval from the federal government for an experimental winery permit for Spartan Cellars. The initial purpose of Spartan Cellars is to participate in a multi-state project to develop new grape varieties. This would be an addition to the Department of Horticulture's existing curriculum involving viticulture, particularly of wines unique to Michigan; the properties of wine; and their use in the hospitality industry.

Coursework involving the production of alcoholic beverages often includes sampling such beverages, which is limited to students who are of legal drinking age. In courses that include sampling alcoholic beverages, enrolled students who are not of legal drinking age receive an alternate assignment.

Additionally, the increasing number of events that bring donors and other guests to campus and the increasing number of venues in which they are hosted have added to the

complexity of the process through which the University permits alcohol to be served at on-campus events and monitors the service and consumption of alcohol at those events.

As the utilization of alcohol on campus for limited purposes consistent with the University's mission evolves, it has become increasingly challenging to work within the Ordinance and the Board-approved Guidelines, because any variation or exception from Ordinance 21.02 or from the Guidelines would require Board action.

This action would authorize the Secretary of the Board of Trustees to amend the Guidelines to permit exceptions to Ordinances 21.02 and 21.03, not just to Ordinance 21.03. It would also shift responsibility for the Guidelines under which these exceptions will be granted to the Secretary, instead of the Board. This will expedite the amendment of the Guidelines in the future.

cc: Trustee Finance Committee
Lou Anna K. Simon
Robert A. Noto
Satish Udpa
Bill Beekman

21.00 ALCOHOLIC BEVERAGES

21.01 Use of possession permitted

21.02* Use or possession prohibited

21.03 Open containers prohibited

.01 The use or possession of alcoholic beverages, including beer and wine, subject to state law, is permissible in housing facilities (rooms, suites and apartments) assigned by Michigan State University.

.02 The consumption and possession of alcoholic beverages is prohibited (a) in classrooms, lecture halls, laboratories, the libraries, and the chapel and (b) during all intercollegiate athletic contests and during entertainment programs that are open to the general public, in the concourses and outdoor seating areas at Spartan Stadium, the arena and concourses at Breslin Student Events Center, and in all other athletic facilities.

.03 The possession of open or uncapped containers of alcoholic beverages and the consumption of alcoholic beverages is prohibited in all public areas of lands governed by the Michigan State University Board of Trustees and in all public areas of campus buildings, except with respect to locations, events or occasions for which the Secretary of the Board of Trustees has approved, in writing, an exception to this prohibition.

.04 Exceptions to this ~~ordinance prohibition~~ will be made pursuant to guidelines approved by the ~~Secretary of the~~ Board of Trustees.

Enacted: September 15, 1964

Amended: April 17, 1970
December 10, 1994
April 14, 1995
November 14, 2003
February 10, 2005
September 16, 2005
~~April 22, 2014~~

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GUIDELINES FOR EXCEPTIONS TO ORDINANCE 21.03

MSU Ordinance 21.03 prohibits the possession of open or uncapped containers of alcoholic beverages and the consumption of alcoholic beverages in all public areas of lands governed by the MSU Board of Trustees and in all public areas of campus buildings, unless an exception has been granted by the Secretary of the Board of Trustees. The following guidelines have been established for the granting of such exceptions.

General Provisions:

1. Exceptions shall not be granted for the areas of campus buildings where the consumption and possession of alcoholic beverages are prohibited by Ordinance 21.02.
2. Enforcement of Ordinance 21.03 will be suspended on all public lands of campus bounded by Grand River Avenue, Hagadorn Road, Mount Hope Road, Michigan Avenue, Kalamazoo Street, and Harrison Road during home football game days during the hours the University parking lots are open for tailgating, except on Munn Field and in pedestrian areas immediately adjacent to Spartan Stadium. Enforcement of Ordinance 21.03 will not be suspended for public areas of campus buildings during home football game days, unless an exception has been granted by the Secretary of the Board of Trustees.
3. Enforcement of Ordinance 21.03 will be suspended for events or occasions hosted by the Board of Trustees, the Office of the President (e.g., receptions at Cowles House), or University Development.
4. Enforcement of Ordinance 21.03 will be suspended for events or locations covered by a Michigan liquor sales license or permit, but only for sales of alcoholic beverages pursuant to that license or permit.
5. Exceptions to Ordinance 21.03 may be granted for other events by the Secretary of the Board of Trustees, pursuant to the procedures outlined below.

Requesting An Exception:

1. Individuals or groups wishing to obtain an exception to Ordinance 21.03 must submit an "Alcoholic Beverages Exemption Form" to the Secretary's Office at least three weeks in advance of the event for which they are seeking the exception.
2. Exceptions to Ordinance 21.03 will be evaluated by the Secretary of the Board of Trustees, taking into account all relevant information provided on the Alcoholic Beverages Exemption Form and the following conditions:
 - A. the primary purpose of the event is something other than

the availability of alcohol and alcohol is not used as an inducement to participate in the event;

- B. the event will be held in a manner that is consistent with the standards of conduct appropriate for an academic community;
- C. appropriate precautions will be enforced to prevent underage drinking and other violations of law or University policy;
- D. the majority of the participants at the event will be of legal drinking age; and
- E. the event will not result in the disruption of scheduled educational or extracurricular activities.

Ordinance 21.00: Alcoholic Beverages Exemption Form

Name: _____

Date: _____

Address: _____
number: _____

Phone

Event

Location: _____

Event Date: _____
Time: _____

Starting/Ending

Event description: _____

Estimate how many people will attend the event: _____

What type of alcohol will be served? (beer, wine, liquor): _____

Describe how you will prevent non-attendees from entering your event:

Describe how you will determine whether attendees are of legal drinking age:

Will any money be collected? _____ If yes, for what purpose? _____

Action: _____ Approved _____ Denied

Conditions:

Secretary of the Board of Trustees

Date

The following chart summarizes general criteria used in evaluating whether to grant an exception to Ordinance 21.03. Applications for exceptions which do not fall within the following parameters will usually be rejected:

Location or Type of Event	Permissible Times	Conditions
Academic Buildings / Classrooms	None	Not applicable
Academic Buildings / Non-classrooms	M-F: 5pm-9pm Sat.-Sun.: 12-7pm	No undergraduates; beer and wine only
Athletic Facilities: Arenas or stadium	None	Not applicable
Other Athletic Facilities	M-F: 5pm-9pm Sat.-Sun.: 12-7pm	No undergraduates; beer and wine only
Non-academic Buildings	M-F: 5pm-9pm Sat.-Sun.: 12-9pm	Age 21 & above: beer and wine only
Tailgating (Non-football events)	5 hours before the event; 3 hours after the event	Age 21 & above
Outdoor Receptions	M-F: 5pm-9pm Sat.-Sun.: 12-10pm	Age 21 & above