

80-9 Possession, Use, Sale and Distribution of Alcoholic Beverages (Portales)

80-9-1 Purpose • 80-9-2 Applicability • 80-9-3 Policy • 80-9-4 Administration • 80-9-5 Authorized Locations • 80-9-6 Governmental License • 80-9-7 Process for Approval • 80-9-8 Policy Suspension • 80-9-9 Enforcement • 80-9-10 Whistle Blower Protections • 80-9-11 Sanctions

1. **Purpose.** The purpose of this policy and subsequent procedures is to govern and manage the responsible possession, use, sale and distribution of alcoholic beverages on property owned, operated or controlled by the ENMU-Portales Campus in compliance with local, state and federal laws, as well as applicable state licensing regulations.
2. **Applicability.** This policy, subsequent procedures and any associated New Mexico Governmental Liquor License or New Mexico Liquor Licenses held by third-party vendors, only apply to property, owned, operated or controlled by the ENMU-Portales Campus.
3. **Policy.** The general policies are as follows:
 - A. The possession, use, sale and/or distribution of alcoholic beverages shall only be permitted in compliance with local, state and federal laws.
 - B. The possession, use, sale and/or distribution of alcoholic beverages under the ENMU Governmental Liquor License shall only be permitted in the Licensed Premises of the ENMU Campus Union Building Ballroom (room 200) and the Zia Room (room 205).
 - C. The possession, use, sale and/or distribution of alcoholic beverages under a third-party vendor's New Mexico Liquor License shall only be permitted for special events in areas approved by the ENMU Board of Regents.
 - D. The possession, use, sale and/or distribution of alcoholic beverages to or by any person under the age of twenty-one (21) years of age is strictly prohibited.
 - E. The possession, use, sale and/or distribution of alcoholic beverages shall only be permitted at formal or semi-formal events where approximately two thirds (2/3) or more of the estimated attendance is expected to be over the age of twenty-one (21) years of age.
 - F. University officials of any status or rank shall not violate the anti-donation clause of the New Mexico Constitution or "Unlawful Interest in a Public Contract" statute pursuant 30-23-6 NMSA 1978 as it relates to the use of ENMU-Portales Campus facilities, property or the possession, use, sale and/or distribution of alcoholic beverages.
 - G. Any entity utilizing or operating under the umbrella of an ENMU-Portales Campus Governmental Liquor License or third-party vendors utilizing their own New Mexico Liquor License, shall do so with strict adherence to state law and applicable regulations. This includes, but is not limited to, demanding documentary evidence of the age and identity of all persons to whom alcoholic beverages are sold, distributed or otherwise provided, limiting the amount of alcohol served, prohibiting the sale or distribution of alcoholic beverages to intoxicated persons, and ensuring that alcohol is not sold or distributed for consumption off the Licensed Premises, or areas approved by the ENMU Board of Regents for third-party vendors.
 - H. The possession, use, sale and/or distribution of alcoholic beverages shall be only be permitted by licensed alcoholic beverage servers who fall under the umbrella of the ENMU-Portales Campus'

Governmental Liquor License, or third-party vendors utilizing their own New Mexico Liquor License.

- I. Alcoholic beverages that fall within the scope of an ENMU-Portales Campus Governmental Liquor License shall not be taken into or from any Licensed Premises, except when done by university officials or the contracted vendor authorized to operate under the auspices of the applicable license. In the case of third-party vendors utilizing their own New Mexico Liquor License, alcoholic beverages shall not be taken into or from any approved premises, except by the third-party vendor.
- J. Any person engaged in excessive consumption, drunken and/or disorderly conduct will be asked to leave any venue owned, operated or controlled by the ENMU-Portales Campus.
- K. The possession, use, sale and/or distribution of alcoholic beverages in any campus residential facility or surrounding curtilage is strictly prohibited.
- L. ENMU employees, faculty, and staff are prohibited from drinking alcoholic beverages or being under the influence of alcoholic beverages during their working hours or while operating or riding in any university-owned vehicle.
- M. Nothing in this policy and subsequent procedures shall be construed to inhibit the provisions outlined in ENMU-Portales AGP&P 70-9, "Tailgating at University Sporting Events" provided that all persons and activities subject to either policy shall at all times be in compliance with local, state and federal laws, as well as applicable state licensing regulations.
- N. This policy does not apply to events hosted at the president's private residence or Casa del Sol.

Regulations and Procedures

- 4. **Administration.** These policies, regulations, practices and procedures shall be administered by the ENMU System Chancellor and Chief Financial Officer, with advice and assistance from the ENMU Department of Public Safety in consultation with the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department, New Mexico State Police Special Investigations Unit and appropriate legal counsel.
- 5. **Authorized Locations.** The ENMU-Portales Campus recognizes that alcoholic beverages may be possessed, used, sold, served or distributed at select university functions and at events by external entities on property owned, operated or controlled by the ENMU-Portales Campus. Functions utilizing the ENMU Governmental Liquor License are to be held only at the ENMU Campus Union Building Ballroom (room 200) and the Zia Room (room 205).
- 6. **Governmental License.** The ENMU System Chief Financial Officer shall be responsible for obtaining and maintaining the ENMU-Portales Campus Governmental Liquor License.
- 7. **Process for Approval.** The contractor associated with the ENMU-Portales Campus Governmental Liquor License shall develop effective and efficient procedures to process applications for events which involve alcoholic beverages, including but not limited to proper scheduling, notification of applicable university building representatives, departments, Physical Plant, the Department of Public Safety and university administrators at a minimum of ten (10) days in advance of the scheduled event.

University officials who are aware of or are planning events being held at locations where a third-party vendors' New Mexico Liquor License will be utilized, must inform applicable university building representatives, departments, Physical Plant, the Department of Public Safety and university administrators at a minimum of ten (10) days in advance of the scheduled event, noting when the Board of Regents approved the event.

The Department of Public Safety will adequately staff all events that are not ENMU-Portales private and exclusive events at the president's residence unless otherwise requested. All events hosted by external parties or those open to members of the public on property owned, operated or controlled by the ENMU-Portales Campus shall be adequately staffed at the discretion of the Chief of Police. Persons hosting events are responsible for reasonable costs associated with food and beverage services, clean up, damaged property and security services.

8. **Policy Suspension.** The policies and procedures outlined herein are a privilege, not a right. The ENMU Board of Regents reserves the right to suspend or revoke this policy from university governance if the university or any of its officials act in a manner inconsistent with state law or the provisions of this policy. This policy will be automatically suspended if any event conducted under the ENMU-Portales Campus Governmental Liquor License becomes the subject of an investigation, other than routine investigations conducted by the New Mexico Regulation and Licensing Department for the purpose of obtaining or renewing a liquor license in the ordinary course of business, or if the ENMU-Portales Campus Governmental Liquor License expires, or is suspended or revoked.
9. **Enforcement.** All university officials present at such events have an obligation to assist with the compliance of this policy, subsequent procedures and applicable laws. The primary enforcement for this policy will rest with the Office of the vice president for Student Affairs, Office of Human Resources, ENMU System Chief Financial Officer and Department of Public Safety law enforcement personnel, whichever is applicable. Department of Public Safety law enforcement personnel may consult with or refer matters to the New Mexico State Police Special Investigations Unit for appropriate criminal proceedings and licensing sanctions.
10. **Whistle Blower Protections.** The University, its political affiliates or donors shall not take or attempt to take retaliatory action through a university official against a vendor, employee, student or member of the general public who reports or enforces violations of this policy, related laws, and the Liquor Control Act pursuant to the provisions of the New Mexico Whistleblower Protection Act.
11. **Sanctions.** Violations of this policy and subsequent procedures may result in criminal charges, civil penalties, and disciplinary action up to and including termination of employment, suspension from the university or expulsion of the university. Individuals who violate this policy may also be removed from the ENMU-Portales campus or related events.

Approved by the Board of Regents, December 13, 2019

Approved by the Board of Regents, November 19, 2021.