

SUNY Geneseo Policy on Alcohol and Illicit Drugs

The College is committed to providing an environment that is supportive of the academic mission of the institution. Students are considered adults who are responsible for conducting themselves in accordance with state and local law and with the College's policy on alcohol and illicit drugs. The College respects students' privacy and autonomy and assumes that their behavior will be both legal and responsible.

Students are expected to accept responsibility for their own welfare and to avoid infringing upon the rights of other members of the college community. When violations of law or policy come to the attention of College officials, appropriate sanctions will be imposed and repeat violations will be dealt with severely. A fundamental kind of misconduct that may lead to conduct action is the illegal use, sale, or possession of stimulants, intoxicants, or other illicit drugs, and/or the participation of a student or campus visitor in an incident, accident or personal injury that is related to the use by that student or visitor of any stimulant, intoxicant, or other illicit drug.

In 2021, New York State revised its cannabis laws. It is important to note that even though state law allows for cannabis to be consumed in New York, federal law prevents all consumption of cannabis, including medicinal use, on college campuses – including SUNY Geneseo.

Loss of privileges, specified conduct requirements, or separation from the College may be imposed on any student or visitor whose conduct adversely affects the academic community. The behavior of a visitor may result in sanctions placed on both the visitor and the student host. Policy violations will be addressed through the College's conduct system and/or University Police.

Regulations Specific to Alcohol

Possession and Consumption of Alcoholic Beverages for Persons Under Age 21

Alcoholic beverages may not be provided to anyone under 21 years of age in accordance with New York State Law.

1. Possession and consumption of alcoholic beverages by persons under the age of 21 is prohibited on the Geneseo Campus.

Possession and Consumption of Alcoholic Beverages for Persons 21 Years of Age and Over

Persons 21 years of age and over may possess alcoholic beverages in their own residence hall rooms or in the rooms of other residents who are at least 21 years of age.

1. Persons 21 years of age and over may possess/consume alcoholic beverages only in their own residence hall rooms, in the rooms of other residents who are at least 21 years of age, or at events where alcohol is serviced/catered by CAS (Campus Auxiliary Services, Inc.), in accordance with New York State Law and College Policy.
2. In the residence halls, alcoholic beverages are prohibited in main lounges, recreation rooms, floor lounges, hall corridors, laundry rooms, and any other area that is not a private student room.
3. Since alcoholic beverages are approved only for private, individual consumption by those 21 years of age and over, beer balls, kegs, or other large quantity containers are prohibited on campus (unless at an event where alcohol is serviced/catered by CAS). University Police may confiscate the foregoing items (empty or full) and accessories (e.g., taps--if they are being used)

for disposal, return, and/or removal off-campus. As a health and safety consideration, the Vice President for Student and Campus Life reserves the right to ban beer bottles from campus.

4. The College does not sponsor nor approve any residence hall function where alcohol is served or consumed.
5. As a health and safety consideration, returnable cans or bottles should be redeemed immediately and should not be stored in a residence hall room, a closet, or under a bed, etc. If conditions warrant, residents will be required to remove offensive materials.
6. Organizations are discouraged from planning events that have as their primary focus the serving/sale of alcoholic beverages.
7. Drinking games or contests that involve alcohol consumption are prohibited.
8. Advertising on campus of events or activities which promote the use of alcoholic beverages and/or illicit drugs is prohibited.
9. The possession and/or consumption of alcoholic beverages by participants in or spectators at any intercollegiate, intramural, or club sport event is expressly prohibited.

Student Conduct

1. Each student is responsible for his/her own conduct and the conduct of his/her invited visitor(s). Individuals and groups may be held liable in campus conduct action in addition to civil and/or criminal proceedings for incidents related to the service/use of alcohol.
2. Improper conduct in violation of the "Student Code of Conduct" will be addressed by the College staff.
3. The claim of being under the influence of alcoholic beverages or other illicit drugs will not be accepted as an excuse for misconduct. Any misconduct, as defined by the "Student Code of Conduct," involving alcoholic beverages will be referred to the appropriate office for review and action.

Summary of New York State Laws Governing Alcohol

Under New York State Law, it is illegal:

1. to sell alcohol, including charging admission (or accepting donations) at the door of an event where alcohol is distributed free of charge, without an alcohol control license. Further, you cannot sell, deliver, give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to any person, actually or apparently under the age of 21 years of age (parents or guardians may serve alcohol to their children in the privacy of their own home) or to any visibly intoxicated person (ABC Law Sec. 65, Penal Law 260.20 (2));
2. for any person to misrepresent the age of a person under the age of 21 for the purpose of inducing the sale of any alcoholic beverage to such person. That is, a person over 21 cannot buy/procure alcohol for a person under 21. A person convicted of a first offense shall be punished by a fine of not more than \$200.00, or by imprisonment for not more than five days, or by both fine and imprisonment (ABC Law Sec. 65a);
3. for a person under the age of 21 to misrepresent- age, or to use false identification for the purpose of buying or otherwise obtaining alcohol. Persons under the age of 21 who present falsified or fraudulently altered proof of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and/or a community service requirement of up to 30 hours (first violation); punishable by a fine of not less than \$50.00 nor more than three hundred fifty dollars and/or an appropriate amount of community service not to exceed thirty hours, and the completion of an alcohol awareness

program (second violation); punishable by a fine of not less than fifty dollars nor more than seven hundred fifty dollars and/or an appropriate amount of community service not to exceed thirty hours, and an evaluation by an appropriate agency certified or licensed by the office of alcoholism and substance abuse services (third or more violations). The Alcoholic Beverage Control Law now requires sellers of alcoholic beverages to demand a driver's license, passport, or armed services ID card, rather than any other form of identification, as evidence of age. Alteration of one of the required forms of official ID may constitute "possession of a forged instrument...with intent to defraud," which is a class D felony under New York State penal law. If a New York State driver's license is altered, the court may suspend the person's license to drive a motor vehicle for three months (first violation); for six months (second violation); for one year or until the holder reaches the age of twenty-one, whichever is the greater period of time (third or more violations). Following the suspension, the person may then apply for and be issued a restricted license (ABC Law Sec. 65b);

4. for an underage person to possess any alcoholic beverage with the intent to consume. (Exceptions are provided for consumption in an instructional setting and in cases where the alcoholic beverage is provided by a parent or guardian.) Violators are subject to a fine of up to \$50.00 per offense and/or completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law and/or an appropriate amount of community service, but are not subject to arrest (ABC Law Sec. 65c).

Under New York State civil law, a provider of alcohol to a person who becomes intoxicated and subsequently causes harm to another person(s) (in person, property, means of support or otherwise) may be liable for any damages or injuries caused by the intoxicated person. Any person, who is injured (in person, property, means of support or otherwise) by reason of the intoxication of any person under 21, may sue for damages against any person who knowingly caused such intoxication by unlawfully furnishing or procuring alcoholic beverages for such person with knowledge or cause to believe that such person was under the age of 21. Further, the law provides a right of recovery for injuries caused by the illegal sale of intoxicating liquor to any intoxicated person. (General Obligations Law, Section 11-100 & 11-101)

Summary of Village of Geneseo Codes Governing Alcohol

1. Carrying of open containers prohibited.

No person shall carry, transport or have in his possession with the intent to consume in any public place, other than permitted public places, any open, resealed or partly empty bottle, can, container or similar article containing an alcoholic beverage of any kind or description as defined by the Alcoholic Beverage Control Law.

2. Deposit of containers prohibited.

No person shall break, leave, discard or deposit in any manner any glass, bottle, glassware, crockery, can, or container of any kind, make or description in any public place other than in receptacles expressly for that purpose.

3. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense, as defined in the Penal Law of the State of New York, and shall, upon conviction thereof, be subject to a minimum fine of fifty dollars (\$50) not to exceed two hundred fifty dollars (\$250).

Summary of New York State Laws Governing Cannabis

1. "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains cannabis including the use of an electronic smoking device that creates an aerosol or vapor.
2. "Cannabis" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration.
3. Possessing, displaying, purchasing, obtaining, or transporting up to three ounces of cannabis and up to twenty-four grams of concentrated cannabis is lawful for persons 21 years of age or older.
4. No person may plant, cultivate, harvest, dry, process or possess more than three mature cannabis plants and three immature cannabis plants at any one time;
5. No person being under the age of twenty-one, may plant, cultivate, harvest, dry, process or possess cannabis plants.

(The State and Village information summarized here is not complete. See the New York State Alcoholic Beverage Control Law (specifically ABC Law Sec. 65, 65a, 65b, 65c, 65d), Penal Law 260.20(2), General Obligations Law, Section 11-100 & 11-101), NYS Cannabis Laws (Penal Law 222, Section 3 of the New York State Cannabis legislation), and of the Geneseo (Village) Laws in the “Drug-Free Schools” section of this publication for full details.)

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