Rensselaer Polytechnic Institute
Alcohol and Other Drug Policy
(revised 5/96)

General Statement
Rensselaer Polytechnic Institute honors its role as an educational institution by establishing policies and guidelines that regulate the consumption of alcohol on campus and by developing pro-active alcohol and other drug awareness, educational and behavior-change programs.

Rensselaer is committed to educational goals in this area. The Institute’s aim is to develop an alcohol and other drug policy that is clear and consistent; to inform and educate individuals with regard to the policy, and the risk factors associated with alcohol use or abuse; to create an environment that promotes low risk use, safety and individual accountability; and to maintain a healthy campus community where problems associated with alcohol and other drugs are minimal.

The overall philosophy of the Institute is that each individual member of the campus community is responsible for his/her own actions. When making decisions to consume beverage alcohol or to provide beverage alcohol to others, individuals must be mindful of the inherent consequences and risks involved. In addition, individuals are responsible for understanding and complying with applicable laws. The institute will not be responsible for enforcing State and local laws, nor will it shield individuals from the legal consequences of their actions should they choose to violate these laws.

Rensselaer’s policies and regulations are designed to encourage consistent and reasonable standards in our academic community. It is expected that all members will contribute to maintaining a positive and healthy environment by adhering to this policy.

I. THE LAW: New York State Statutes Regarding Alcohol Liability
A. Penal Law (260.20) - Unlawful dealing with a person to give, sell or cause to be given or sold alcohol to person under age 21 except if you are a parent or guardian or pursuant to educational curriculum.

B. Alcohol Beverage Control Law (65, 65a, 65b, 65c, 65d) - Unlawful to: sell, give, deliver, cause, or permit a person under 21 to procure alcohol. No liability for refusal to sell or give unless discriminatory, misrepresent age of person under 21 to induce sale of alcohol; offer false I.D. by person under 21 to purchase alcohol; possess with intent to consume by person under 21. Exceptions are alcohol given pursuant to educational curriculum or by person’s parent or guardian. Posting of signs is required by licensed seller.

C. General Obligations Law - A 3rd party injured by an impaired or intoxicated person under age 21 has a right of action against any person who “knowingly” cause such impairment by unlawfully furnishing or assisting in procuring alcohol for the person under 21 years old. The Dramshop Act - if a person causes or contributes to procuring alcohol for any intoxicated person, an injured third party has a cause of action against the person who provided the alcohol.

D. Vehicle & Traffic Laws - Operating a motor vehicle while under the influence of alcohol or drugs (Article 31 Section 1192 -1196) - No person shall operate a motor vehicle while their ability to operate such motor vehicle is impaired by the consumption of alcohol.

Driving while intoxicated (DWI): Definition: Operating a motor vehicle while having a .10 of one per centum or more by weight of alcohol in the blood as shown by chemical analysis of a person’s blood, breath, urine or saliva.
Sanctions: Driving while intoxicated or while ability impaired by drugs are misdemeanor offenses and are punishable by a 6-months revocation of one’s driver’s license, a fine of not less than $350.00 nor more than $500.00, or by imprisonment in a penitentiary or county jail for not more than one year, or by both such fine and imprisonment.

Subsequent convictions for DWI may constitute a Class E Felony and shall be punished by a fine of not less than $500.00 nor more than $5,000.00 or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.
Driving while ability impaired (DWAI):
Definition: Operating a motor vehicle while having .05 of one per centum or more by weight of alcohol in the blood as shown by the chemical analysis procedures described above.

Sanctions: Driving while ability impaired shall be a traffic infraction punishable by a 90-day suspension of driver’s license, a fine of not less than $250.00 nor more than $350.00 or by imprisonment in a penitentiary or county jail for not more than 15 days, or by both such fine and imprisonment.

A subsequent conviction within five years of a past infraction shall be punished by a fine of not less than $350.00 nor more than $500.00 or by imprisonment of not more than 30 days in a penitentiary or county jail or by both fine and imprisonment.

Two or more subsequent convictions shall be punished by a fine of not less than $500.00 nor more than $1500.00, or by imprisonment of not more than 90 days in a penitentiary or county jail or by both fine and imprisonment.

(Note: Chemical test refusal will result in a 6-month revocation of driver’s license and $100.00 fine. Also, minors who refuse a chemical test will lose their license for 1 year or until they reach 21 years of age, whichever is the greater penalty.)

E. Troy Code Sect. 4-1 states that possession of open containers of alcohol in public places or vehicles is illegal. A permit for certain places where beverage alcohol is sold is required.

F. Troy code of Ordinances Chapter 19 Article V Party Permit in general, states that whenever any residential dwellings used for a second event or party open to the general public or any segment thereof where: 1. an admission fee is charged or 2. alcohol, food, or beverages are sold 3. a beer or liquor license is required by NY State, such shall require a party permit to be applied for by the owner of the property conducting the party.

II. Institute Regulations on Alcohol
The unlawful manufacture, distribution, dispensing, possession, or use of alcohol is prohibited on Institute property or as part of any activity sponsored by the Institute. The administration at Rensselaer will not authorize events where drinking under the legal age, as determined by the State of New York will be knowingly permitted. Individuals and organizations who sponsor approved events involving beverage alcohol shall assume full responsibility and liability for the event and for the behavior of event participants.

A. Consumption of beverage alcohol on campus is permitted only by persons age 21 or older:
- In the privacy of their rooms in residential facilities
- At campus events where an alcohol permit has been obtained
- In areas licensed for beer and wine service.

B. Possession or consumption of alcohol on campus by any person who is a student under age 21 is in violation of the New York State law and the Grounds for Disciplinary Action (GDA) and a violation of Human Resources & Institute Diversity (HR&ID) regulations if the person is an employee.

C. Any person under age 21 who misrepresents her/his age in order to obtain alcohol has violated the GDA if that person is a student. If that person is an employee, policies of HR&ID have been violated.

D. Any person who supplies or makes alcohol available to someone under age 21 has violated NYS statutes. If that person is a student, he/she has violated the GDA, if that person is an employee, he/she has violated HR&ID policies.

E. In accordance with State Law, no money may be charged for any event at which beverage alcohol is present unless a permit is obtained from New York State Liquor Authority.

F. An alcohol permit must be obtained from the Alcohol Review Committee (c/o the Student Health Center) for any event occurring on Institute grounds at which alcohol is served or present. Exceptions are:
- Licensed designated area of Rensselaer Union
- Faculty/Staff Dining Hall between 11:30 a.m. - 1:30 p.m.
- Buildings leased or rented to faculty, staff or private groups
An event is defined as any gathering for a specific purpose where there are more than 6 people present and alcohol is present.

G. Campus events that are open to all students or where 20% or more of the attendees will be under age 21 may not be granted an alcohol permit.

H. The consumption of alcohol or possession of an open container of alcohol is prohibited in all public or common areas on campus, including but not limited to corridors, stairwells, athletic facilities, elevators, lounges, classrooms, labs or outside campus areas (i.e. Quad) unless an alcohol permit has been obtained for a designated area. At no time may alcohol be consumed in potentially hazardous environments.

I. Events shall not include any activity which encourages abusive use of alcohol.

J. The serving or availability of alcohol at events being held in a predominantly freshman residential facility is prohibited.

K. The presence, possession, or use of large quantities of alcohol on campus including but not limited to kegs, beer balls, or any other bulk containers of alcohol, is prohibited on Institute grounds with the exception of areas holding NYS license for beer and wine service.

L. Beverages containing grain alcohol are prohibited.

M. Alcohol will not be permitted at Rensselaer athletic events.

N. Off campus events: It is expected that all Rensselaer faculty, staff and students will comply with all governmental laws related to alcohol. Any Rensselaer group that plans an off campus event involving alcohol must adhere to the Rensselaer Alcohol and Other Drug Policy.

O. Human Resources’ policies for exempt and nonexempt staff are addressed in Section VI (Employee conduct) of the Human Resources Policy Manual (Revised 3/85). Under “Offenses Meriting Disciplinary Action,” Number 2 states that “Possessing liquor, narcotics, weapons, or explosives on the campus without prior approval of an authorized representative of the Institute” is a first degree offense. The recommended disciplinary action for a first degree offense may be discharge.

III. Procedures and Guidelines for On-Campus Events at Which Beverage Alcohol is Served

A. Rensselaer requires that all groups obtain prior approval to serve beverage alcohol anywhere on campus except when the activity is in an area covered by a food service license and is part of normal or daily operations. Approval of alcohol permits is NOT automatic. Approval may be based on:

1. The nature of both the event and the facility
2. The capacity of the facility
3. Demonstration by the sponsoring organization of its ability to comply with State and Institute regulations
4. Nearby scheduled activities
5. The number of underage (21) participants; if the percentage of underage attendees is 20% or higher, the function may not be approved
6. Where and how alcohol will be available
7. The past history of event or sponsor
8. Additional information may be request by the ARC

B. An alcohol permit is required from ARC for any event where alcohol is served or available as stipulated in Section II F of this Alcohol Policy.

C. Normally alcohol may be served at approved events:
- on Monday through Thursday from 4 p.m. until midnight (11:00 pm in the Residence Halls)
- on Friday from 4 p.m. until 2 a.m. Saturday (midnight in the Residence Halls)
- on Saturday from 12 noon until 2 a.m. Sunday (midnight in the Residence Halls)
- on Sunday from 12 noon until midnight (11:00 pm in the Residence Halls)

EXCEPTIONS APPROVED ONLY BY ARC. The scope of the events at which alcohol will be available will be limited on Sunday through Thursday evenings. Events must be limited to FOUR (4) hours or less in duration.
D. The maximum amount of alcohol allowed at an event is calculated as follows: One serving per person over 21 per hour, not to exceed four hours.

E. Applications for an alcohol permit must be completed and submitted to the ARC c/o Student Health Center at least FIVE (5) days in advance of the function. If you are using Marriott the request must be turned in FIFTEEN (15) days in advance of the function. APPLICANTS NOT ADHERING TO THESE GUIDELINES MAY NOT BE APPROVED.

F. Events where alcohol will be sold or admission is charged will require a New York State permit. Therefore applications must be submitted to the ARC FIFTEEN (15) days in advance of the event.

G. The individual requesting or signing the application for an alcohol permit must be age 21 or older. In the Residence Halls, the person requesting the permit must be the room/apartment occupant.

H. Permits must be picked up before and displayed during the event.

I. Advertising of the event must not imply that the event is for the purpose of consuming alcohol and may not be displayed before the permit is obtained. No specific mention of alcohol is allowed in the advertising. The words “beverages” and “refreshments” are acceptable.

J. At any event where alcohol is available, a non-alcoholic beverage (other than water) will be equally and continuously accessible and available.

K. Alcohol may not be served at any event unless food is also served. The food should include items high in protein and carbohydrates.

L. The sponsor or host is responsible for implementing reasonable measures to ensure that alcohol is not served or made available to persons under age 21 or who are intoxicated. Sponsors are encouraged to use only servers trained via a certified server intervention training program (e.g. TIPS, The Training for Intervention Procedures by Servers of Alcohol). Contact the ARC for training information.

M. The server(s) of alcohol will be sober and not consume alcoholic beverages during the event.

N. Guests will not be allowed to bring additional alcohol to an event. The only alcohol permitted for consumption is that specified on the ARC permit.

O. “BYO” events must be stated as such on the request for an alcohol permit. If approved, it is the responsibility of the sponsoring individual or group to comply with quantity guidelines set forth by Rensselaer’s alcohol policy and to allow only those who are 21 or older to bring the alcohol.

P. Positive proof of a age is required at any event at which alcohol is served and or consumed.

Q. The serving or availability of alcohol must be limited to a single designated area. Consumption of alcohol is only permitted in the approved area designated for the event.

IV. Specific Area Policies for Alcohol

A. Residence Halls

1. Only those individuals of legal drinking age (21) may possess alcohol in the privacy of their rooms. If more than six (6) persons are present, an alcohol permit must be obtained from the ARC.

2. Kegs, beer balls or bulk containers of any sort (including those that are empty) are not allowed in residence facilities.

3. Displays of alcohol containers visible to the public are not allowed in any residence facility.

4. The consumption of alcohol or possession of an open container of alcohol is prohibited in all public or common areas in the residence halls including but not limited to, stairwells, hallways, lounges, etc.

5. Due to the nature of finals week and our belief that the hall environment should be conducive to study during that period, no alcohol permits will be granted in the Residence Halls or the surrounding areas during finals week (including reading days).
B. Residence Halls - Group Living

Groups living in the Residence Halls can obtain alcohol permits for parties (more than 6 people) if the group meets the following conditions:

1. The group is self insured with the appropriate level of liability insurance. The insurance coverage must be approved by Rensselaer’s Office of Risk Management.
2. The group must be recognized by Rensselaer.
3. The group must have a written Group Residence Agreement with Rensselaer.
4. The group has agreed to be bound by any alcohol and party policies that have been developed by a governing master organization such as the IFC or Panhellenic Council (or other similar organization) and have been approved by Rensselaer.

C. Rensselaer Union

1. The serving of beer and wine to persons 21 or older will be restricted to designated areas of the Rensselaer Union.
2. The purchase of beer or wine in the designated area shall be limited to a single serving container per person with legal ID.
3. Any registered event/activity/function held in the Rensselaer Union where alcohol will be available must be approved by the ARC and be accompanied by an alcohol permit.
4. Management of the Rensselaer Union and the Executive Board will review policies and guidelines and recommend appropriate changes to the President or his/her designee in consultation with the ARC.

D. Sage Faculty/Staff Dining Hall

1. The serving of alcohol will be permitted at lunch time during the regular meal serving hours from 11:30 a.m. -1:30 p.m.
2. Special events where alcohol will be served will comply with Section III of the Institute Alcohol and Other Drug Policy.
3. Management of Faculty/Staff Dining Hall will review policies and guidelines and recommend appropriate changes to the Director of Business and Auxiliary Services. Changes to the policies may be implemented upon consultation with the President or his/her designee and the ARC.

E. Fraternities and Sororities

1. Fraternities and Sororities are subject to the policies and guidelines established by their respective governing bodies (i.e, IFC & Panhellenic Councils, Inter/National Organizations).
2. On campus events at which alcohol will be served will be regulated by the Institute Policy.
3. The IFC and Panhellenic Council policies will be kept on file with the ARC.
4. Any proposed changes to the IFC or Panhel alcohol policy will be made only with the approval of both the IFC/Panhel and the ARC. It is suggested that policies be reviewed at least annually by the IFC and Panhel.

V. THE LAW: Statutes Regarding Other Drugs

New York State Public Health Law. It is a violation of the Public Health Law in New York for a person to sell or possess a hypodermic needle without a doctor’s written prescription, to grow marijuana or knowingly allow it to be grown without destroying it (Class A misdemeanor punishable by up to one year in a local penitentiary), and to manufacture, sell or possess with intent to sell, an imitation controlled substance (Class A misdemeanor; second offense in 5 years in a Class E felony punishable by a minimum of 1 year and a maximum of 4 years in state prison). It is also a violation to inhale any glue that releases toxic vapors or fumes. Any person who sells glue for this purpose is guilty of a Class A misdemeanor. The Public Health Law also provides that any private vehicles, boat or plane that has been or is being used to transport a controlled substance can be seized by the police or forfeited under the law.

New York Vehicle and Traffic Law. The rules and penalties for drinking and driving also apply to driving a motor vehicle while a person’s ability is impaired by the use of a drug.

New York Penal Law. The Penal Law contains exhaustive lists of various controlled substances, specific types of offenses, and sanctions ranging from a fine of not more than $100 to imprisonment for life. Examples of crimes under New York law include loitering with the intent to use drugs, appearing in public under the influence of drugs, using or possessing drug paraphernalia, and selling or possessing actual controlled substances. The Penal Law provides for a variety of sanctions depending on the offense. The severity of the sanction depends on amount and intent. Persons convicted of a drug offense in New York may be sentenced to any one of the following: a conditional discharge that may include any amount and type of community service that the sentencing court deems appropriate, probation, shock probation which is a combination of jail time and probation (60 days plus up to 3 years probation for a misdemeanor; 6 months plus up to 5
years probation for a felony); intermittent imprisonment, which may include weekends and/or work Saturdays; or straight jail time.

**Federal Law.** Federal drug laws parallel New York State drug laws in many respects. For example, it is a Federal offense to manufacture, distribute or possess with intent to distribute a controlled substance or a counterfeit controlled substance. As under the New York Penal code, any property associated with the unlawful handling of controlled substances may be forfeited by the authorities. Federal Law also provides that a person age 18 or older who distributes a controlled substance to a person under 21 years of age may be sentenced to a term of imprisonment and/or fine of up to twice the amount authorized for distribution to a person over 21.

**Sanctions of Special Note.** A person convicted of any Federal or state offense involving possession of a controlled substance are ineligible to receive any or all Federal benefits (e.g., social security, student loans) for up to one year. If the offense involves distribution of a controlled substance, the guilty person could be ineligible for any or all Federal benefits for up to 5 years. There are both Federal laws and New York State laws specifically dealing with the distribution or manufacturing of controlled substances in or near schools or colleges. For example, Federal law provides that a drug offense committed within 1,000 feet of school property, including universities, is punishable by a term of imprisonment and a fine of up to twice the amount authorized for the same offense committed away from school property.

**VI. Institute Regulations on Other Drugs**
The use, consumption, possession, sale, manufacture or transfer of any illegal drug or controlled substance (so defined by state or federal law) by any student or employee of the Institute for which the individual does not have a legal license or valid prescription, is strictly prohibited. Rensselaer is an educational institution and not a law enforcement agency, and therefore does not apply sanctions of the law. However, Rensselaer will not disregard the law and will not shield individuals from the legal consequences of their actions should they violate the law. In addition, individuals who have violated the law are also subject to disciplinary action. Students will be disciplined according to the current [Rensselaer Handbook](#), faculty according to the current Handbook for Academic Staff, and staff according to the current HR&ID Policy Manual.

**VII. Policy Enforcement**
A. Adherence to these policies on alcohol and other drugs shall be the individual and personal responsibility of each member of the student body, staff, faculty or administration of the Institute.

B. Direct responsibility and accountability for the enforcement of these policies shall rest with students, staff, faculty or administrators of the Institute who participate in the arrangement, sponsorship, supervision or organization of on-campus Rensselaer sponsored events.

C. Enforcement methods for events as specified in Section III of this policy will be determined by the ARC in accordance with established Institute disciplinary policies.

D. Enforcement methods for specific areas as designated in Section IV will be developed by its respective management. The procedures will be reviewed for consistency by the ARC.

E. The responsibility of enforcement of the Institute Alcohol and Other Drug Policy resides with the President or his/her designee.

**VIII. Violations/Sanctions**
A. Violations of the Alcohol and Other Drug Policy by any employee of the Institute constitute an “offense meritng disciplinary action.” Person(s) shall be subject to disciplinary action up to and including possible discharge.

B. Violations of the Alcohol and Other Drug Policy by any student shall constitute a violation of the Grounds for Disciplinary Action. Person(s) shall be subject to disciplinary action up to and including dismissal from the Institute.

C. Possible sanctions are outlined for students in the current [Rensselaer Handbook](#), for staff in the current Human Resources Policy Manual, and faculty in the current Handbook for Academic Staff.
IX. Institute Alcohol and Other Drug Review Committee

The alcohol review committee has the following membership, operating parameters and responsibilities:

1. **Membership**: Two students, two staff, two faculty and one chair; for a total membership of seven.

2. **Operating Parameters** - Quorum: One student, one faculty, one staff and one chairperson

- Reporting to: Institute President or Designee (i.e. Vice President for Student Life)
- Meetings: six meetings annually; in or around September, October, November, February, March and April
- Terms of committee Appointment: faculty and staff committee members shall be appointed for two years and student members shall be appointed annually

3. **Responsibilities**: Representatives of the Student Health Center will assume primary responsibility for “a” - “f” but will bring before the Alcohol Review Committee exceptional cases and considerations. The Alcohol Review Committee will assume primary responsibility for “g” and “h”.

   a. developing procedures and guidelines for events where alcohol is present
   b. determining criteria for approving events at which alcohol is present
   c. reviewing applications for events at which alcohol is present
   d. soliciting and accepting reports from individuals and groups about violations, complaints and policy effectiveness
   e. referring violators into the judicial system
   f. developing enforcement procedures in consultation with the Vice President for Student Life
   g. reviewing policies and recommendation for changes in policy for the campus community
   h. Promoting and coordinating alcohol awareness and educational and behavioral change programs with the campus community which may include the following components:

   - student workshops for the general student population, residence hall staffs, representatives of Greek organizations, other student groups and organizations and faculty and staff which aim to develop new procedures for overcoming peer pressure to consume alcohol and other drugs
   - workshops to increase student understanding of the short and long-term effects of alcohol and other drug abuse - encourage students to participate in the programs and activities which take place during Weeks such as Alcohol and Health Awareness Week
   - special educational workshops for students and their families during each fall semester (e.g. S.O. and Family Weekend) - assist the efforts of Rensselaer Greeks and other student groups and organizations to develop and evaluate systematic and innovative party procedures and policies regarding the low-risk serving of alcohol (e.g. determining the impact of specific environmental determinants on alcohol consumption, refining existing server intervention training programs and sober driver programs)
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