

BE SMART -BE SAFE

AT BPORT



Throwing a safe and worry-free party...

- ✔ Invite only the amount of people that your residence allows. Don't overflow.
- ✔ Give your neighbors a heads-up before throwing your party. It's courteous and if they have any complaints they are more inclined to talk to you first before calling the police.
- ✔ Invite who you know. Turn away anyone who is visibly intoxicated. It's your party, and if the cops show up you are responsible for whatever happens at your party.
- ✔ Keep the music down. Don't worry people will still dance.
- ✔ Not everyone drinks so try to have non-alcoholic beverages, and those drinks can also help for when someone has had too much alcohol.
- ✔ Don't serve alcohol to minors

DISCLAIMER:

For all intended purposes this is an educational document.

Students should still refer to up to date laws, regulations and guidance from law enforcement and the College at Brockport Code of Student Conduct for complete and comprehensive explanations.

Living off campus? Here's what you need to know...

Noise Ordinance:

Noise from any sound reproduction system (including stereos, car radios, etc.), which can be heard 40 feet from the source or across any property line, any time, day or night is prohibited. Tickets can be issued, or arrests can be made, by police, and fines range up to \$250.

Disorderly House Ordinance:

It prohibits loud or unusual noise or noises, or loud yelling, by a gathering of people at or around a residence. The persons residing at that house may be issued tickets or arrested. Penalties include fines up to \$250 and/or 15 days in jail.

Alcoholic Beverage Control Law & Penal Law:

Persons under the age of 21 are prohibited from possessing any alcoholic beverage. Violators are subject to fines, community service assignment, and suspension of driver's license for 30 days (even if you are not driving!).

The College at Brockport students may also have to complete an alcohol awareness program and are subject to other internal sanctions. This applies to alcohol use on and off campus

No person shall sell or offer for sale any alcoholic beverage without a license from the NYS Liquor Authority. It is a misdemeanor offense, and charges may incur even if you collect "donations" at the door.

Penalties include up to 6 months in jail and/or up to \$500 in fines. It is a misdemeanor to give, sell, or cause to be given or sold, any alcoholic beverages to a person under 21 years of age (**NYS Penal Law 260.20(2)**). Penalties include up to one year in jail and/or up to a \$1,000 fine.

BE A GOOD NEIGHBOR

ON & OFF CAMPUS

Brockport's Code of Student Conduct applies both on campus and off campus

Avoid getting an alcohol violation:

- ✓ Don't carry an open container of alcohol
- ✓ Don't use aggressive language, or speak too loudly when outside
- ✓ Don't walk home alone; walk with a friend or call SAFERIDE at (585)395-7233
- ✓ Avoid drinking alcohol if you are under 21
- ✓ If you choose to drink alcohol, remember to drink in moderation.



The *Code of Student Conduct* states the behavioral expectations and standards of conduct for all students. The rules pertain to the actions of individuals while they are students, either **on or off the campus grounds**.

Therefore, a student who is off campus and charged with a civil or criminal offense where there is a nexus to the College may be subject to College disciplinary action.

VIOLATIONS & CONSEQUENCES

According to the Code of Student Conduct the following Disciplinary Actions/Sanctions can be applied to a student if they are found in violation of the Code of Student Conduct. Keep in mind more than one Disciplinary Action/Sanction can be applied and are reviewed on a case by case basis.

Disciplinary Actions:

Official Warning, Vicinity Letter, Residence Hall Reassignment, Conduct Probation, Removal from the Residence Halls, Interim Measures, Interim Suspension, Conduct Suspension, Conduct Dismissal

Discretionary Sanctions:

Developmental Experience, Required Mental Health and/or Behavioral Assessment, Behavioral Standards, Parental Notification, Restitution, Community Service, Restorative Justice Practices, Loss of Privileges, Mediation, Removal from Residence Hall System

Tips for Interacting with a Police Officer:

- | | |
|------------------------------|--------------------------------|
| Stay calm and be polite | Provide correct identification |
| Ask if you are free to leave | Do not run from the officer |

Know Your Rights:

- | | |
|----------|-------------------------------|
| Respect | Proper Notification |
| Fairness | Support |
| Safety | Access to all campus services |

Failing to provide ID, running, fighting, arguing or trying to avoid answering your door will likely result in more serious charges. Following these tips will minimize negative outcomes.

ALCOHOL LAWS IN NEW YORK

Providing to minors:

It is illegal in New York to provide alcohol to a minor. This includes selling, delivering, or giving alcohol to someone while knowing (or having reason to know) that the recipient is a minor. Persons who are licensed to sell alcohol in New York can lose their license for such violations. Violators may also be subject to other criminal penalties under New York law.

Underage Drinking:

It is illegal for individuals in New York State who are under the age of 21 to possess alcohol with the intent to consume the alcohol. Individuals accused of underage drinking may face penalties including a fine, drug and alcohol education and mandatory community service work. New York State also has a zero tolerance law for minors under the age of 21 who are accused of drinking and driving. For smaller amounts of alcohol, minors accused of drinking while driving may lose their driver's license for 6 months to a year. For more significant amounts of alcohol, driving while intoxicated laws may apply and minors may face jail time.

Carrying False I.D.

Using a Fake ID:

You can be prosecuted for a number of different crimes for using fake identification. Since these laws are regulated by state, every state will have its own punishments. These penalties can run the gamut from being a simple \$500 misdemeanor in some states, to being considered criminal impersonation or forgery, both felonies punishable by up to a year and a half in state prison. If the ID is used to purchase a firearm, it's a felony in every state, and can get you up to 7 years in prison.

Modifying a Real ID:

If you have also actually tampered with a real identification card, you could be charged with another crime like tampering with a public record, or altering government documents. This punishes the act of altering or changing an officially issued piece of documentation like a driver's license, and is an even more serious felony in most states. In New York, for example, it is punishable by up to 7 years in prison.

Providing to Minors:

Misdemeanor

Maximum sentence
of 1 year in jail and
up to \$5000 in fines

Minimum sentence
is \$500 in fines

Underage Drinking:

May be required to
attend alcohol
awareness program

May be required to
complete
community service

May have to pay a
fine

Carrying False ID:

1st offense is a
misdemeanor

2nd offense is a
felony

Can be arrested
and have license
revoked for
between 90 days
and a year.

May be fined up to
\$300



ALCOHOL POISONING

is a Medical Emergency

KNOW THE SIGNS:

- ✔ Vomiting
- ✔ Passing Out
- ✔ Seizures
- ✔ Irregular breathing
- ✔ Pale Skin
- ✔ Confusion

KNOW YOUR ROLE:

- ✔ Turn a vomiting person on their side to prevent choking
- ✔ Check to see if their mouth is empty; clear it if needed
- ✔ Keep them awake
- ✔ NEVER leave them alone or unattended
- ✔ Call for Help

KNOW THE HELP:

- ✔ Resident Assistant
- ✔ Resident Director
- ✔ University Police
- ✔ Brockport Police Dept./ 911

DO YOU KNOW HOW MUCH IS IN YOUR CUP?



If I'm under 21 and get help for someone who is passed out, will I get in trouble?

Brockport Good Samaritan Policy

The term "Good Samaritan" is used to refer to a student(s) who summons medical attention for a person (including themselves) in need of medical assessment and/or treatment for a problem to which the student may have contributed or caused by participating in the use and abuse of alcohol and/or other drugs. While the College does not condone violations of the Code of Student Conduct or state and federal laws, the College may take into consideration potentially life-saving actions of students who act as "Good Samaritans" by reducing the disciplinary actions associated with alcohol and/or other drug use violations, including limited immunity to campus student conduct charges.

Harm reduction strategies used by Brockport students:

- Know your limits and stick to them
- Pace yourself
- Space out your drinks with non-alcoholic drinks
- Never mix alcohol and prescription drugs or other drugs (even caffeine)
- Measure your drinks
- Make your own drinks

WHAT IS A STANDARD DRINK SIZE?



ONE DRINK = 12 OZ BEER = 5 OZ WINE (½ GLASS) = 1.5 OZ LIQUOR (80 PROOF) = 1 MIXED DRINK (W/ 1 SHOT)

ALCOHOL & CONSENT



Can I give Consent after drinking alcohol?

It is not an excuse that the student accused of sexual misconduct was intoxicated and/or under the influence of other drugs, and therefore, did not realize the incapacity of the other. **KNOW** the difference between intoxication and incapacitation!

- ✔ *Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.*

Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity.

What Affirmative Consent mean?

Consent may be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity.

- ✔ Consent is active, not passive. Silence or lack of resistance, in and of itself, does not demonstrate consent.
- ✔ Consent is required and is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- ✔ Consent to any sexual act or prior consensual sexual activity between the parties or with any party does not constitute consent to any other sexual act.
- ✔ Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- ✔ Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity
- ✔ Consent cannot be given if any of the parties are under the age of 17, or if an individual otherwise cannot consent.
- ✔ Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- ✔ The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression

How to support a friend who has been sexually assaulted:

- Listen to and believe your friend
- Never blame your friend
- Don't be judgmental
- Respect your friend's choices and decisions
- Validate your friend's feelings
- Encourage your friend to get support:
 - Consider talking to a counselor or RESTORE
 - Consider getting medical help/ attention
 - Empower your friend to make their own choices, regardless of your personal opinions

RESOURCES

Hazen Health Center/ Counseling Center

(585) 395-2414

RESTORE Sexual Assault Services

(585) 210-8532

Prevention and Outreach Services

(585) 395-5431

Title IX

(585) 395-5066

Willow

(585) 222-7233

REMEMBER THE 3 D'S



At Brockport we care about one another and our community; we take action and we hold each other accountable. If you are ever in a situation where another student needs help, Brockport wants you to intervene. There are three ways to be an active bystander and intervene in a situation that has the potential to be risky, dangerous, harmful, or an emergency, We call them the 3 D's of EagleCheck.

It doesn't matter which type of EagleCHECK you do. The most important thing is that you think of EagleCHECKs that feel realistic for you.

DIRECT:

Do something yourself. Examples Include:

- Ask someone to stop what they are doing
- Check on someone you might be worried about.

DELEGATE:

If you can't do something yourself because of your barriers ask friends to help. Examples Include:

- Talk to a trusted RA
- A coach, faculty or staff member, or a trusted peer
- Tell the bartender
- Ask a family friend to check in
- Leave an anonymous note for the team captain or Greek advisor.

DISTRACT:

If you don't want to address the situation directly or even acknowledge you see it, try to think of a distraction that will defuse the situation or calm things down in the moment.

- "Accidentally" spilling a drink
- Asking to borrow the phone of someone who is in a risky situation
- Asking for a ride
- Starting an unrelated conversation.