

1982 WL 189347 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 24, 1982

*1 The Honorable Salvatore A. Fede
Superintendent
Wil Lou Gray Opportunity School
West Campus Road
West Columbia, South Carolina 29169

Dear Sal:

You have requested the advice of this office as to whether the Opportunity School may place 'off-limits' a particular liquor store and adjacent party shop which are located in the vicinity of the school. Members of the school staff and the store's proprietor have requested that the school take such action. Students at the school range in age from fifteen (15) to age thirty (30) or more.

Because of its housing students in campus dormitories, the Opportunity School may be compared with a college or university for the purpose of regulating student conduct. Colleges and universities have broad discretion in this area. 15A Am.Jur.2d, Colleges and Universities, § 23; however, authority is lacking on the specific issue of whether a school may adopt a regulation designating certain businesses off-limits. The only authority for doing so that I have located is [Gott v. Berea College, 156 Ky. 376, 161 S.W. 204 \(1913\)](#), which upheld a college's designating all of the restaurants in the college town off-limits. I am reluctant to rely on this old case for authority as the reasons which sustained the regulation in that case were very different from those which you might consider as to the present businesses with which you are concerned. The reasonableness of any regulation that you promulgate as to the business in question would depend upon all of the facts and circumstances. I am concerned here that placing a couple of businesses off-limits might not be considered a reasonable method of enforcing the school's ban on drinking on campus as to students who are of legal age to purchase alcoholic beverages. If the owner of the businesses is concerned about any trouble the students are causing him, he has the responsibility for choosing a method of dealing with it. Thus, I cannot advise you that a regulation placing the businesses off-limits could be sustained in court if challenged.

If I may be of further assistance to you, please let me know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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