

DRUG AND ALCOHOL POLICY

Prevention Program

The University provides services related to alcohol use and abuse, including the dissemination of informational materials, counseling services, referrals, and college disciplinary actions to students and employees.

If you need help or know someone with an alcohol, drug, or substance-related problem, please know that the Onsite Counseling Center, the Health Center, Human Resources, Student Development, our Program Directors, Deans, faculty, and all other university personnel will provide assistance to those who come forward seeking help. The Onsite Counseling Center provides confidential consultations with trained psychologists at extremely low cost. The Onsite Counseling Center also makes referrals to outside counseling and treatment services.

Contact Information:

Onsite Counseling Center	(559) 453-8050
Student Development	(559) 453-2073
Health Center	(559) 453-2197
Human Resources	(559) 453-2245

Biannual Review of Fresno Pacific University's Drug and Alcohol Abuse Prevention Program

Fresno Pacific University's biennial review of the Drug and Alcohol Abuse Prevention Program will be conducted by the Vice President of Campus Life or their designee. The review will include: 1.) descriptions of the Alcohol and Other Drug (AOD) program elements, 2.) a statement of AOD program goals and a discussion of goal achievement, 3.) summaries of AOD program strengths and weaknesses, 4.) procedures for distributing annual AOD notification to students and employees, 5.) copies of the policies distributed to students and employees, 6.) recommendations for revising AOD programs. The purpose of the review will be to ensure fair, consistent, and equitable outcomes and to evaluate the effectiveness of the educational programming attempted. The review is posted online at: <https://www.fresno.edu/about/drug-and-alcohol-policy>.

Standards & Conduct

Fresno Pacific University recognizes that drug and alcohol abuse is a major societal concern and problem. Alcohol and drug abuse is especially destructive to the education process, inhibiting cognitive, social, and interpersonal development. It is for these reasons and our commitment to abide by our standards as a Christian institution that all students and employees are strictly prohibited from unlawful possession, manufacture, use, and/or distribution of illicit drugs and alcohol on property owned or used by the university. As a member of the FPU community, you are also prohibited from using or serving drugs or alcohol as part of any university sponsored activity, whether on or off campus. This policy extends to sites such as regional campuses, branch campuses, leased facilities, rental facilities, and the Casa Pacifica retreat center.

Alcohol

The purpose of this policy is to ensure a safe environment that is consistent with the mission of the University and its goal to foster an alcohol-and-drug-free environment. The possession or

distribution of alcohol on campus, and the underage use of alcohol by students of Fresno Pacific University is prohibited and violates this policy as well as the University's handbooks and the Fresno Pacific Idea. Fresno Pacific University is operating in conformity with the Drug-Free Schools and Communities Act of 1989 (Public Law 101-336) and Drug-Free Workplace Act of 1988.

The California Business and Professions Code states that the purchase, possession, distribution, or use of alcoholic beverages is illegal for those under the age of 21 in the State of California and constitutes a misdemeanor under B & P Code 25658 (sections a & b), 25658.5 and 25662. Students violating this policy are subject to disciplinary actions up to and including suspension or dismissal from the University in accordance with university policies and procedures. In addition to the University process, the University will involve local law enforcement officials when appropriate.

Drugs

The purpose of this policy is to ensure a safe environment that is consistent with the mission of the University and its goal to foster a drug-free environment.

Fresno Pacific University is operating in conformity with the Drug-Free Schools and Communities Act of 1989 (Public Law 101-336) and Drug-Free Workplace Act of 1988.

- The California Health & Safety Codes states that "Every person who possesses any controlled substance shall be punished by imprisonment in the state prison for a minimum of one year" (H & S 11350), and, "Every person who possesses for sale, or purchases for sale, any controlled substance shall be punished by imprisonment in the state prison for two to four years" (H & S 11351).
- Purchase or possession of marijuana for the purpose of sale, shall be punished by imprisonment in the state penitentiary for a minimum of one year (H & S 11359). In addition, possession of any drug paraphernalia for the purpose of unlawfully smoking or injecting a controlled substance is punishable with up to 6 months in county jail (H & S 11364).
- The California Business and Professions Code states that the purchase, possession, distribution, or use of alcoholic beverages is illegal for those under the age of 21 in the State of California and constitutes a misdemeanor under B & P Code 25658 (sections a & b), 25658.5 and 25662.
- In addition, the unlawful distribution or possession of a prescribed medication is also prohibited and punishable by imprisonment in the state penitentiary (B & P 4059 & 4060).

Legal Sanctions & Disciplinary Process/Responses

Those violating FPU's drug or alcohol policy are subject to disciplinary actions up to and including suspension or dismissal from the University in accordance with university policies and procedures.

In addition to the University process, the University will involve local law enforcement officials when appropriate. Illegal possession, use, or distribution of illicit drugs is punishable under applicable local, state, and federal law.

The University provides services related to alcohol use and abuse including the dissemination of informational materials, counseling services, referrals, and college disciplinary actions. As in all disciplinary actions, University personnel attempt to deal restoratively toward renewal of health and reconciliation in matters of drug and alcohol use. All students and employees are expected and required to obey the law, to comply with the Fresno Pacific University institutional behavioral standards & expectations, and with directives issued by administrative officials in the course of his/her authorized duties. Any student or employee who engages in conduct that is prohibited by FPU standards, or by federal, state, or local law is subject to student discipline, appropriate personnel action, and/or legal sanction.

Any employee or student who is found unlawfully using, dispensing, or selling controlled substances will be subject to disciplinary action including requirements of immediate ceasing of this activity and participation in rehabilitation counseling. Successful rehabilitation is a condition of continued employment. Drug abuse in the workplace may result in suspension and/or termination. Any use of an unlawful substance or giving or selling of such to students or employees is grounds for immediate expulsion. Guidelines and procedures regarding FPU discipline and disciplinary sanctions are included in the various student handbooks, the Faculty Handbook, and the Employee Handbook.

Possession of Paraphernalia (Controlled Substance)

State of California Health and Safety Code Section 11364.

- (a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance that is narcotic drug classified in Schedule III, IV, or V.
- (b) This section shall not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for disposal of sharps waste.
- (c) Until January 1, 2021, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other blood borne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, this section shall not apply to the possession solely for personal use of hypodermic needles or syringes if acquired from a physician, pharmacist, hypodermic needle and syringe exchange program, or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription.

(Amended by Stats. 2014, Ch. 331, Sec. 8. (AB 1743) Effective January 1, 2015.)

Possession of Controlled Substance

State of California Health and Safety Code Section 11350

- (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (b) Except as otherwise provided in this division, every person who possesses any controlled substance specified in subdivision (e) of Section 11054 shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (c) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a) or (b), the judge may, in addition to any punishment provided for pursuant to subdivision (a) or (b), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.
- (d) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered: (1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service. (2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service. (3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of a fine.
- (e) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply: (1) The possession of the controlled substance is at the discretion of with the express authorization of the prescription holder. (2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.
- (f) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.

(Amended (as previously amended by Stats. 2011, Ch. 15) by Stats. 2014, Ch. 540, Sec. 1. (AB 2603) Effective January 1, 2015. See different provisions in the version as amended November 4, 2014, by Proposition 47. With respect to subds. (a) and (b) of this version, see the Proposition 47 text for its changes in subd. (a) and omission of subd. (b). Note: The changes made by this amendment (adding subds. (e) and (f)) are not incorporated in the version from Proposition 47.)

Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished as follows:

- (a) Every person under the age of 18 who possesses marijuana for sale shall be punished in the same manner provided in paragraph (1) of subdivision (b) of Section 11357.
- (b) Every person 18 years of age or over who possesses marijuana for sale shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.
- (c) Notwithstanding subdivision (b), a person 18 years of age or over who possesses marijuana for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if: (1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code; (2) The person has two or more prior convictions under subdivision (b); or (3) The offense occurred in connection with the knowing sale or attempted sale of marijuana to a person under the age of 18 years.
- (d) Notwithstanding subdivision (b), a person 21 years of age or over who possesses marijuana for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if the offense involves knowingly hiring, employing, or using a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, giving away, preparing for sale, or peddling any marijuana.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 8.3.)

Providing Alcohol to Underage Persons

State of California Business and Professions Code Section 25658

- (a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor.
- (b) Except as provided in Section 25667 or 25668, any person under 21 years of age who purchases any alcoholic beverage, or any person under 21 years of age who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.
- (c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.
- (d) Any on-sale licensee who knowingly permits a person under 21 years of age to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under 21 years of age, is guilty of a misdemeanor.
- (e) (1) Except as otherwise provided in paragraph (2) or (3), or Section 25667 or 25668, any person who violates this section shall be punished by a fine of two hundred and fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. A second or subsequent violation of subdivision (b), where prosecution of the previous violation was not barred pursuant to

Section 25667 or 25668, shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. It is the intent of Legislature that the community service requirement prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides. (2) Except as provided in paragraph (3), any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars (\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and is not attending school. (3) Any person who violates subdivision (c) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.

- (f) Persons under 21 years of age may be used by peace officers in the enforcement of this section to apprehend licensees, or employees or agents of licensees, or other persons who sell or furnish alcoholic beverages to minors. Notwithstanding subdivision (b), any person under 21 years of age who purchases or attempts to purchase any alcoholic beverage while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase an alcoholic beverage. Guidelines with respect to the use of persons under 21 years of age as decoys shall be adopted and published by the department in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by the department shall be authorized as long as the minor decoy displays to the seller of alcoholic beverages the appearance of a person under 21 years of age. This subdivision shall not be construed to prevent the department from taking disciplinary action against a licensee who sells alcoholic beverages to a minor decoy prior to the department's final adoption of regulatory guidelines. After the completion of every minor decoy program performed under this subdivision, the law enforcement agency using the decoy shall notify licensees within 72 hours of the results of the program. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given to licensees and the department within 72 hours of the issuance of the citation. A law enforcement agency may comply with this requirement by leaving a written notice at the licensed premises addressed to the licensee, or by mailing a notice addresses to the licensee.
- (g) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of the law, including, but not limited to, Section 272 of the Penal Code and Section 13202.5 of the Vehicle Code.

(Amended by Stats. 2014, Ch. 162, Sec. 1. (AB 1989) Effective January 1, 2015.)

Drug & Alcohol Programs

Drug and alcohol abuse counseling and referral are available through the FPU Counseling Center for students and the Human Resources office for employees. As a benefit, an Employee Assistance Program is available to employees through Health Management Center

(HMC). In both cases referrals, counseling, and treatment programs are confidential. All students and employees are encouraged to participate in Drug Awareness programs offered through the Counseling and Health Centers. Additional information both of the effects of specific drugs and alcohol and drug counseling resources in Fresno and surrounding areas are available in the Counseling Center, the Health Center and the Internet. Reports of FPU's annual Drug and Alcohol Abuse Prevention Program (DAAPP) are available upon request from the Student Development Division and are available on the FPU website at: <https://www.fresno.edu/about/drug-and-alcohol-policy>

Health Risks

Alcohol and other drug use, misuse, and abuse are complex behaviors with many determinants at both the cultural and the individual levels. Awareness of the deleterious effects of any drug/alcohol is imperative for an individual's well-being or survival. Negative consequences may be exhibited through physical dependence (the body's learned requirement of a drug for functioning) and/or psychological dependence (the experience of persistent craving for the drug and/or a feeling that the drug or alcohol is a requirement for functioning). Abuse of any drug or alcohol, whether licit or illicit, may result in marginal to marked and temporary to permanent physical and/or psychological damage, even death. Since many of the illicit drugs are manufactured and sold illegally, their content varies and may contain especially harmful ingredients or amounts. Many consequences of drug/alcohol use are severe and can be permanent.

Some of the consequences are:

- Behavioral and physiological changes
- Impaired judgement
- Violence (including acquaintance rape, domestic violence, impaired driving)
- Impaired immune system
- Reproductive difficulties/sterility
- Elevated blood pressure
- Irregular heartbeat
- Coma
- Death

For more information on alcohol & other drugs, contact the Student Health Center.