

## CALIFORNIA UNIVERSITY'S STATEMENT TO STUDENTS REGARDING POLICY, STANDARD OF CONDUCT & PROGRAMS IN SUPPORT OF THE DRUG-FREE SCHOOLS ACT

We strongly encourage each Cal U student to read and become thoroughly familiar with this statement. The Drug-Free Schools and Campuses Regulations require that California University of Pennsylvania distribute this information in writing to all students annually. This document provides information concerning:

- California University's **BILL OF RIGHTS AND RESPONSIBILITIES**.
- The **STUDENT CODE OF CONDUCT** which clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on school property or as part of any school activities.
- Applicable legal **SANCTIONS** under federal, state, or local law for the unlawful possession or distribution of illicit drugs and alcohol, including a clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with federal, state, or local law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.
- The **HEALTH RISKS** associated with the use of illicit drugs and the abuse of alcohol.
- Alcohol or other drug counseling, treatment, rehabilitation, and re-entry **TREATMENT RESOURCES** available to employees or students.

Cal U is committed to providing a substance-free campus. In fact, the University prohibits the possession, use or sale of alcohol and other mind-altering substances on campus. California University of Pennsylvania, as required by the Drug-Free School and Communities Act Amendments of 1989 (Public law 101-226), hereby declares that the unlawful manufacture, possession, use or distribution of illicit drugs and alcohol by students and employees is prohibited at any university activity. Students violating this policy will be subject to the penalties and procedures prescribed in "Statement of Student Rights and Responsibilities: Student Code of Conduct" promulgated in 1998.

In response to issues and concerns associated with students, Cal U provides intervention through the BASICS program and University Counseling Center and education and prevention are provided jointly by the Health and Wellness Education Center and the AOD Prevention Specialist.

### **BILL OF RIGHTS AND RESPONSIBILITIES**

Cal U works to achieve its mission of Building Character and Careers by fostering an environment that encourages learning, both in and out of the classroom. The adoption of the Core Values of Civility, Integrity and Responsibility, is an effort to achieve an educationally-supportive environment by your voluntary commitment to live by these values. In addition to the Core Values, the University has adopted a Bill of Rights and Responsibilities for members of the university community that describes the commitments we should make with each other as members of the University Community:

We have the right to safety and security.

We have the responsibility to ensure the safety and security of others.

We have the right to be treated with respect.

We have the responsibility to treat others with respect.

We have the right to expect the best.

We have the responsibility to give our best.

We have the right to be treated fairly.

We have the responsibility to treat others fairly.

It is hoped students will reflect on their Bill of Rights and Responsibilities and determine how these commitments can be incorporated into their lives. Experiences at the University will challenge students and provide opportunities for personal growth as part of Building Character.

### **STUDENT CODE OF CONDUCT**

The Student Code of Conduct identifies behaviors which are aligned with the Bill of Rights and Responsibilities and those which are not in order to assist students in learning what behaviors are appropriate in a university environment. Compliance with the Student Code of Conduct is not voluntary. Behavior that violates the Bill of Rights and Responsibilities as defined below will be considered violations of the Student Code of Conduct and may result in disciplinary action through the Office of Student Conduct.

The following excerpts from the *STUDENT CODE OF CONDUCT* provide students with important information regarding California University of Pennsylvania's standards of conduct, sanctions, health risks, services and disciplinary approach as may be associated with alcohol and other drugs.

## DEFINITIONS

The term *University* shall refer to the community of faculty, staff, and students at California University of Pennsylvania.

The term *student* shall mean an admitted student, graduate or undergraduate, registered for classes whether full time or part time. Student status will continue as long as the relationship is maintained and is not dependent on when classes are in session.

The term *faculty member* shall mean any person employed by the University who holds academic rank or performs teaching or research duties.

The term *staff member/administrator* shall mean any person employed by the University or the Student Association, Inc. or other affiliated entity not considered faculty.

The term *University premises, campus and/or facilities* shall mean all buildings or grounds owned, leased, operated, controlled or supervised by the University or the Student Association, Inc.

The term *off-campus violation* shall mean a violation of a Behavioral Expectation which occurs in locations other than university or affiliates property or facilities.

The term *organization* shall mean a group of students who have complied with University and/or Student Association, Inc. requirements for registration or recognition.

The term *hearing officer* shall mean a Residence Director, the Greek Life Advisor, Associate Dean for Student Conduct, Associate Vice President for Student Affairs or other administrator designated by the Vice President for Student Affairs to serve as an administrative hearing officer.

The term *charges* shall mean the specific rule or policy a student is alleged to have violated.

The term *Associate Dean for Student Conduct* shall mean the administrator appointed by the Vice President for Student Affairs to oversee the university conduct system.

The term *University sponsored activity* shall mean any activity on or off campus, which is authorized or supervised by the University.

The term *responsible for a violation* shall mean the student(s) or organization has been determined to have violated Behavioral Expectations either through admission or by a decision of the hearing officer or board.

The term *referred student* shall mean any student against whom a complaint has been filed alleging a violation of the Student Code of Conduct.

The term *Behavioral Expectation(s)* shall mean the manner in which the University expects students to act as outlined in the Student Code of Conduct, the Residence Life Rules and Regulations, the Greek Life Guidelines and other established and posted rules, procedures and guidelines.

The term *board hearing* shall mean a meeting with a designated conduct board operating in accordance with the hearing procedures in this document to adjudicate allegations of violations of behavioral expectations.

The term *administrative hearing* shall mean a meeting with a designated hearing officer during which student(s) alleged to have violated behavior expectations and the hearing officer agree on responsibility for the action(s) and sanction(s) without conducting a board hearing.

The term *preponderance of evidence* shall mean the majority of the information presented during either an administrative or board hearing convinced the hearing officer or board to conclude that the student was more likely than not to have violated the behavioral expectations as a student.

The term *violent acts* shall mean any behavior proscribed by the Student Code of Conduct directed towards another university community member that placed him/her in jeopardy, such as assault, sexual misconduct, hazing, etc.

## JURISDICTION

The President of California University of Pennsylvania, with the approval of the Council of Trustees, is authorized under Act 188 - which created the Pennsylvania State System of Higher Education of which this University is a part - to create rules of student conduct. These rules and procedures apply to all students and are applicable to behavior occurring both on and off university property. All recognized student organizations are expected to abide by the same regulations as individual students.

This Student Code of Conduct supersedes all previous versions of student codes of conduct and is effective as of August 27, 2009. The Vice President for Student Affairs or designee is responsible for implementing and managing the Student Conduct System including interpreting any ambiguities or decide any questions about the application of this code.

The conduct process is an administrative function of the university and is separate and independent from all legal proceedings. Students are expected to obey all local, state and federal laws. Both university disciplinary and legal proceedings may be used to address actions that violate both university policy and any law. The university does not waive taking disciplinary action due to criminal or civil proceedings or view disciplinary action as a substitute for legal proceedings.

Specific rules for the use of university resources or participation in university functions may be developed in addition to this code of conduct. These rules, such as the Residence Life Rules and Regulations and the Greek Life Guidelines, may be dealt with by the offices in charge of the resources or functions or referred to the Office of Student Conduct as deemed appropriate by the university based on the nature of the action.

#### RIGHTS & RESPONSIBILITIES

All students, as defined in this document, are expected to meet the following behavioral expectations. Failure to abide by these expectations may be considered a violation of the student code of conduct and result in disciplinary action. These expectations apply to all students, regardless of age, residency or other designation and to student behavior occurring both on and off campus. Students are responsible for ensuring appropriate behavior of their guests on university or affiliate's property and informing them of university rules, policies and procedures.

- A. Ensuring the Safety and Security of Self and Others would require one NOT engage in the following:
1. Actual or threatened physical assault.
  2. Endangering behavior that intentionally or recklessly causes injury, or endangers oneself, other persons or property. This includes the creation of unsafe or unsanitary conditions.
  3. Inappropriate sexual behavior including:
    - i. Sexually harassing behavior defined as severe or persistent acts based on the sex of an individual that interfere with that individual's ability to benefit from educational opportunities or activities. Such behavior can include sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.
    - ii. Sexual misconduct meaning attempts or acts of non-consensual sexual contact including, but not limited to caressing, fondling, or touching a person's genitalia, buttocks, or breasts. It shall also be considered sexual misconduct when a person is compelled to caress, fondle or touch another's genital, buttocks or breasts.
    - iii. Sexual assault defined as any threatened, attempted or actual acts of sexual intercourse involving any penetration of a bodily cavity with a foreign object, tongue, digit or genitalia without consent as defined below. (See California University Sexual Assault Protocol for complete details and reporting and support information).
    - iv. Consent shall be defined as positive cooperation in act, behavior or words, in the course of having sexual activity so long as both parties are acting freely and voluntarily, without any coercion or threat of coercion. Both parties must understand the nature of the activity. Consent cannot be implied if either participant is unable to provide positive cooperation or state his/her wishes due to unconsciousness or injury, mental incompetence, age, or intoxication and this fact is known or reasonably should have been known by the person committing the act. Also a lack of protest or previous cooperation does not imply consent. Consent can be withdrawn at any time during an interaction.
  4. Forcible entry or unauthorized presence in any university or affiliate's building or other premises including the use of unauthorized entrances or exits, or means to enter or exit.
  5. Possession of weapons or dangerous items which may be used to inflict harm on others or property such as firearms, BB guns, paintball guns, knives, fireworks, or chemicals when not authorized on university or affiliate's property or without proper license off campus.
  6. Creating fire hazards through starting fires, explosions, or possessing items designated as fire hazards such as candles, incense, space heaters, halogen lamps, flammable chemicals, firecrackers or other explosives without authorization.

7. Tampering with fire or other safety equipment such as blocking emergency exits, removing or discharging fire extinguishers, activating fire alarm pull station or heat/smoke sensors without cause.
  8. Failing to exit a building or area when a fire alarm sounds or requested to do so for emergency or safety reasons.
  9. Smoking in campus buildings.
  10. Hazing defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student, or which requires, encourages, or permits violation of any federal, state or local statute or college policy, for the purpose of initiation or admission into, or affiliation with, or membership in any organization recognized by, or affiliated with the university.
  11. Irresponsible alcohol use including, but not limited to:
    - i. Consuming or possessing alcohol, regardless of age, or paraphernalia relating to alcohol use such as taps, bongos, empty containers, etc., on university or affiliate's property.
    - ii. Being overly intoxicated whereas actions create a negative atmosphere for oneself or others.
    - iii. Providing alcohol to persons under 21 years of age.
    - iv. Possessing alcohol under 21 years of age on or off campus, including knowingly being in the presence of alcohol.
    - v. Consuming alcohol under 21 years of age on or off campus.
    - vi. Violating this code or laws while under the influence of alcohol whether on or off campus.
    - vii. Advertising events involving the serving or consumption of alcohol on university property.
  12. Misuse of drugs including, but not limited to:
    - i. Using or possessing narcotics, hallucinogens or other controlled substances without a medical prescription.
    - ii. Possessing paraphernalia relating to drug use such as bongos, pipes, or other items used or modified to facilitate drug use.
    - iii. Violating this code or laws while under the influence of drugs whether on or off campus.
    - iv. Selling, purchasing, delivering or transferring drugs in any manner.
- B. Giving One's Best would require one NOT engage in the following:
1. Academic misconduct including all forms of cheating and plagiarism. Academic misconduct includes, but is not limited to, providing or receiving assistance in a manner not authorized by the instructor in the creation of work to be submitted for academic evaluation including papers, projects, and examinations; and presenting, as one's own, the ideas or works of another person or persons for academic evaluation. Cases of allegations of academic misconduct will be referred to the Provost's Office.
  2. Use of University documents or resources in a manner other than their official, designated use.
  3. Knowingly making false statements or presenting false information, including making false reports, reports of emergencies, crimes or violations of university policies.
  4. Theft, meaning the unauthorized use or possession of another's personal, university or affiliate's property.
  5. Vandalism, meaning the damage, destruction or defacement of personal, university or affiliate's property.
  6. Illegal gambling in any form as defined by law.
  7. Misuse of computers or network resources, including electronic mail, for the violation of personal privacy or the committing of crimes, the unauthorized use of computers and /or peripheral systems, unauthorized access to computer programs or files, unauthorized alteration of computer programs or files, unauthorized duplication or use of computer programs or files, making unauthorized changes to a computer account, or other deliberate actions which disrupt the operation of computer systems, including electronic mail, serving other students or the university community generally. This includes sending threatening or harassing e-mail messages or e-mail bombs. The unauthorized downloading of copyrighted material is prohibited as a criminal act. Specific guidelines may be obtained through the Office of Computer Services or whenever logging into the system. Use of the system is recognition that the user accepts responsibility for abiding by the university's guidelines and policies on computer usage.
  8. Violating any of the restrictions, conditions or terms of a sanction resulting from prior disciplinary action imposed by a hearing officer or university official.
  9. Refusing to comply with reasonable requests of university or affiliate's employees acting in the performance of their duties.
  10. Violation of established university policies, rules and regulations that are contained in other university publications but not specified in this code or that are announced to the university community following this publication.
  11. Unauthorized use of the University's name, insignia, or other emblem.
  12. Violation of federal, state or local law that reflects negatively on the university or endangers university community members, whether occurring on or off university property.
  13. Actions that encourage facilitate or support violation of university policies, procedures or regulations.

- C. Treating others fairly would require one NOT engage in the following:
1. Harassing behavior, meaning repeated, severe or pervasive actions directed towards specific individual(s) with the intent to harass or alarm including actual, attempted or threatened physical contact or acts that serve no legitimate purpose.
  2. Stalking, meaning a course of conduct or repeated acts towards another including following with the intent to cause reasonable fear of bodily harm or substantial emotional distress.
  3. Disrupting behavior, meaning conduct that is disorderly, unnecessarily disruptive to others, and/or disruptive to the normal practices, processes and functions of the university or local municipalities. This includes the disruption or obstruction of university activities, such as teaching, research, administration; Use of technology, without appropriate prior notice or consent, to create, display or distribute an audio, video or digital file or image of people, places or things where the location reflected is a place where a person would have a reasonable expectation of privacy (such as bedrooms, restrooms, or locker rooms). Interfering with entry into or exit from buildings, offices or other areas requiring free movement of people.
  4. Interfering with the freedom of any person to express his/her views as long as the expression is within legal limits.
  5. Conduct that constitutes unlawful discrimination based on another person's race, color, sex, religion, age, national origin or sexual orientation.

## **SANCTIONS**

The following sanctions comprise a range of official action that may be imposed for violation of regulations by individuals or groups. One or more sanctions may be imposed at the discretion of the hearing officer or board in an effort to promote behavioral change. Sanctions attempt to teach alternative behaviors; increase personal and social skills; increase a student's awareness of obligations to others; demonstrate implications of actions; and explain rationale behind regulations. This list does not limit the actions available to a hearing officer or board and is not inclusive of all possible actions that could be taken as a result of a violation of university policy. Students found responsible for violations will receive a minimum of disciplinary warning with expulsion being the maximum sanction.

### **Disciplinary Warning**

This action is taken when the individual's conduct or involvement merits an official admonition that can be either verbal or written. The student is warned that further misconduct may result in more severe disciplinary action. A disciplinary warning is intended to promote reflection on the decisions and behavior leading up to a violation and promotes an increased awareness of the university's behavioral expectations.

### **Disciplinary Probation**

This action is designed to assist students in developing behavior appropriate to the university community through placing them on a warning status. There are three types of probation listed below which may be imposed depending on the type and severity of the violation.

1. Residence Hall Probation - A change in student status for violating Residence Life Rules and Regulations involving written notice of the probation, its terms, and time limit as established by the Hearing Officer or Residence Life Conduct Board. Privileges of residents, including visitation, may be revoked for all or part of the time the resident is on probation. The resident is also informed that further violations may result in greater levels of sanctions. This level of probation is intended to provide the student an opportunity to reflect on and learn from their behavior while increasing their awareness of the impact of their behavior on themselves and others and of the university's behavioral expectations. The importance of making mature decisions is stressed while a student is on probation.
2. University Probation Level I - A change in student status involving written notice of the probation, its terms, and time limit as established by the Hearing Officer or University Conduct Board. The student is notified that further infractions of any University regulation may result in more stringent restrictions being placed on his/her actions. This level of probation is intended to provide the student an opportunity to reflect on and learn from their behavior while increasing their awareness of the impact of their behavior on themselves and others and of the university's behavioral expectations. The importance of making mature decisions is stressed while a student is on probation.
3. University Probation Level II - The most serious level of conduct sanction short of suspension from the University during which the student is considered not in good standing. The student remains enrolled at the University under circumstances defined by Hearing Officer or University Conduct Board and may not represent the University in any official capacity or hold office in any student organizations including, but not limited to, varsity or non-varsity intercollegiate athletic events or teams, recognized student organizations, theater groups or productions, musical organizations, or SAI Senator or Officer positions. This probation level indicates to the student that further violation(s) of University regulations will result in more stringent conduct action, including but not limited to suspension or expulsion from the University. This level of probation is intended to promote reflection on the student's behavior and

decisions while stressing making mature decisions, engaging in critical thinking and developing more appropriate behavior as a member of the university community.

### **Behavior Contract**

A student and hearing officer may reach a written agreement concerning expectations for future behavior and decisions to assist in preventing inappropriate behavior from recurring

### **Residence Hall Reassignment or Removal**

This action is an involuntary reassignment to another hall or removal from on-campus housing altogether for a designated period of time and may include restricted visitation privileges. Usually, a student is given forty-eight

hours to remove all belongings from an assigned space and reimbursement of room charges will be based on the official university refund schedule for removals. This sanction is imposed to protect the welfare of a residence hall or floor community and students having this sanction imposed should reflect on the behavior necessary for an individual to be part of a residential community by respecting others, developing critical thinking skills and mature decision-making skills.

### **Restriction of Privileges**

This action consists of an effort to assist students in developing an awareness of the responsibilities that go along with privileges and increase an awareness of appropriate behavior and how decisions impact themselves and others. Under this sanction, students may be restricted from entering certain buildings, attending certain events or using specific programs due to their behavior. Residence hall students may have their visitation privileges restricted or revoked for a certain time period or specific guests may not be allowed into a residence hall. Participation in university organizations or holding office in organizations or other privileges can also be included under this sanction as deemed appropriate by the hearing officer or board based on the incident.

### **No Contact Directive**

This action is implemented at the discretion of a hearing officer directing a student to avoid initiating contact with another member of the university community and may include limiting access to areas to avoid incidental contact. A no contact directive may be imposed at a student's request without conduct proceedings if it does not involve any accommodation changes. Contact includes direct interactions in person or through technology as well as the use of third parties to interact.

### **Suspension of Group Recognition**

This action consists of the withdrawal of all or part of the official recognition of a group for a stated period of time and will include conditions for reinstatement of recognition. This sanction is intended to assist groups in developing a stronger sense of the responsibilities which goes along with the privileges of university recognition and a commitment to be a positive part of the university community.

### **Revocation of Group Recognition**

This action is permanent cancellation of the official University recognition and privileges of a group found in violation of University regulations.

### **Restitution Fines**

A student or organization may be required to make payment to the University or to another specified person(s) or group(s) for damages incurred as a result of a violation of behavioral expectations. Restitution fines may be imposed by the University in addition to any other sanction to promote responsibility for actions and an awareness of the consequences for behavior.

### **Restitution Service**

As part of the sanctioning process, students can be required to perform service to assist in developing increased awareness of the impact of their decisions and strengthen critical thinking abilities to identify appropriate behavior. These services can include performing assigned duties, sponsoring programs, etc.

### **Educational Activity**

A student or organization may be required to complete an educational activity or project relating to the violation to assist in their developing increased awareness of the impact of their decisions, strengthen critical thinking abilities to identify appropriate behavior and an increased sense of responsibility, integrity and civility.

### **Conduct Referrals**

Hearing officers may refer students found responsible for violations to campus resources to assist, educate or monitor them in the development of appropriate behavior, critical thinking skills, mature decision-making skills, etc. These referrals are mandatory and failure to complete a referral could result in additional conduct action. Referrals may include the CHOICES Alcohol and Other Drug Education Program, the Counseling Center, etc., and could include drug testing for violations related to drug use.

### **Registration Hold**

A hold may be placed on a student's registration if the student has failed to complete a sanction or withdraws prior to official conduct on an allegation. Holds are intended to be temporary until either the sanction or conduct process is complete. Registration holds may also be used during periods of interim suspension, suspension or expulsion.

### **Interim Suspension**

The President or his/her designee may suspend a student for an interim period pending full conduct proceedings whenever there is evidence that the continued presence of the student at the University poses a substantial threat to the safety and/or well being of any member of the university community or university or private property. An interim suspension may be effective immediately without prior notice; however the decision may be appealed to either the Associate Dean for Student Conduct, Associate Vice President or Vice President for Student Affairs and Services and will be handled as outlined in the Appeal Procedures except that the time lines will not apply. The student shall be given an opportunity to appear personally before a hearing officer or board within 10 class days from the effective date of the interim suspension unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. Both the student(s) and the university must agree to an extension that may be left open ended. By agreeing to an extension, the student accepts the decision of interim suspension and any conditions imposed as part of it. During an interim suspension, the student will be barred from all or part of the University's premises, as designated by the hearing officer. A student under interim suspension who returns to the portion of campus from which s/he was barred without permission from the Vice President for Student Affairs and Services will be subject to dismissal and/or arrest for trespassing.

### **Suspension**

This action is an involuntary separation of a student from the University for a designated period of time after which s/he is eligible to return. The Associate Dean for Student Conduct or Associate Vice President for Student Affairs may establish requirements for reinstatement, which must be fulfilled to his/her satisfaction. The student may not participate in any University sponsored activity and may be barred from University premises during suspension. Reimbursement of university charges or fees for students removed from the university due to conduct action will follow the official refund schedule for withdrawals. This action is designed to protect members of the university community and their property, promote critical thinking and mature decision making skills, self-reflection on behavior and the impact it had on the student and others.

### **Expulsion**

This action is one of involuntary and permanent separation from the University. The student will be barred from all University activities and property following expulsion. Reimbursement of university charges or fees for students removed from the university due to conduct action will follow the official refund schedule for withdrawals.

### **Alcohol and the Law**

California University is concerned for the well-being and safety of its students and those they interact with and believes that they should be informed of the consequences that may confront them when using alcohol and other drugs. The following information is not intended to be legal advice, but merely conveys general information related to alcohol use as it may relate to the law.

#### **PUBLIC DRUNKENNESS**

##### **Section 5505 of the Pennsylvania Crimes Code (Title 18)**

A person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol... to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

| <b>Penalty</b> | <b>1<sup>st</sup> Offense</b> |
|----------------|-------------------------------|
| Fine           | 0-\$300                       |
| Jail           | 0-90 days                     |

#### **MISREPRESENTATION OF AGE**

**TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES**

**Section 6307 of the Pennsylvania Crimes Code (Title 18)**

A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he/she being under the age of 21 years, knowingly and falsely represents himself to be 21 years of age or older to any licensed dealer, distributor or other person, for the purpose of procuring or having furnished to him, any liquor or malt or brewed beverages.

| Penalty            | 1 <sup>st</sup> Offense | 2 <sup>nd</sup> Offense | Subsequent Offenses |
|--------------------|-------------------------|-------------------------|---------------------|
| Fine               | 0-\$300                 | 0-\$500                 | 0-\$500             |
| Jail               | 0-90 days               | 1 year                  | 1 year              |
| License Suspension | 90 days                 | 1 year                  | 2 years             |

**PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES BY A MINOR**

**Section 6308 of the Pennsylvania Crimes Code (Title 18)**

A person commits a summary offense if he/she, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages.

| Penalty            | 1 <sup>st</sup> Offense | 2 <sup>nd</sup> Offense | Subsequent Offenses |
|--------------------|-------------------------|-------------------------|---------------------|
| Fine               | 0-\$300                 | 0-\$500                 | 0-\$500             |
| Jail               | 0-90 days               | 0-90 days               | 0-90 days           |
| License Suspension | 90 days                 | 1 year                  | 2 years             |

**REPRESENTING TO LIQUOR DEALERS THAT A MINOR IS OF AGE**

**Section 6309 of the Pennsylvania Crimes Code (Title 18)**

A person is guilty of a misdemeanor of the third degree if he/she knowingly, willfully and falsely represents to any licensed dealer or other person, any minor to be of full age, for the purpose of inducing [that] person to sell or furnish any liquor or malt or brewed beverages.

| Penalty |              |
|---------|--------------|
| Fine    | \$300-\$2500 |
| Jail    | 0-1 year     |

**INDUCEMENT OF MINORS TO BUY LIQUOR OR MALT OR BREWED BEVERAGES**

**Section 6310 of the Pennsylvania Crimes Code (Title 18)**

A person is guilty of a misdemeanor of the third degree if he/she hires or requests or induces any minor to purchase, or offer to purchase, liquors or malt or brewed beverages....from a duly licensed dealer for any purpose.

| Penalty |              |
|---------|--------------|
| Fine    | \$300-\$2500 |
| Jail    | 0-1 year     |

**SELLING OR FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO MINORS**

**Section 6310.1 of the Pennsylvania Crimes Code (Title 18)**

A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or... furnishes or purchases with the intent to sell or furnish any liquor or malt or brewed beverages to persons less than 21 years of age.

This section does not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonable, customarily and traditionally required as an integral part of the service or ceremony.

| Penalty | 1 <sup>st</sup> Offense | 2 <sup>nd</sup> Offense and Subsequent Offenses |
|---------|-------------------------|---|
| Fine    | \$1000-\$2500           | \$2500  |
| Jail    | 0-1 year                | 0-1 year  |

**MANUFACTURE OR SALE OF FALSE IDENTIFICATION CARD**

**Section 6310.2 of the Pennsylvania Crimes Code (Title 18)**

A person commits a misdemeanor of the second degree if he intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another.

| Penalty | 1 <sup>st</sup> Offense | 2 <sup>nd</sup> Offense and Subsequent Offenses |
|---------|-------------------------|---|
| Fine    | \$1000-\$2500           | \$2500 - \$5000                                 |
| Jail    | 0-2 years               | 0-2 years                                       |

**CARRYING A FALSE IDENTIFICATION CARD**

**Section 6310.3 of the Pennsylvania Crimes Code (Title 18)**

A person commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations if he/she, being under 21, possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years or age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card.

| Penalty            | 1 <sup>st</sup> Offense | 2 <sup>nd</sup> Offense | Subsequent Offenses |
|--------------------|-------------------------|-------------------------|---------------------|
| Fine               | 0-\$300                 | 0-\$500                 | 0-\$500             |
| Jail               | 0-90 days               | 0-1 year                | 0-1 year            |
| License Suspension | 90 days                 | 1 year                  | 2 years             |

Parental Notification.

**SELLING OR FURNISHING NONALCOHOLIC BEVERAGES TO PERSONS UNDER 21**

**Section 6310.7 of the Pennsylvania Crimes Code (Title 18)**

A person commits a summary offense if he intentionally and knowingly sells or furnishes nonalcoholic beverages to any person less than 21 years of age.

As used in this section, the term “nonalcoholic beverage” means any beverage intended to be marketed or sold as nonalcoholic beer, wine or liquor having some alcohol content but not containing more than 0.5% alcohol by volume.

| Penalty |           |
|---------|-----------|
| Fine    | 0-\$300   |
| Jail    | 0-90 days |

**RESTRICTION ON ALCOHOLIC BEVERAGES**

**Section 7513 of the Pennsylvania Crimes Code (Title 18)**

It is unlawful for any person who is an operator or an occupant in any motor vehicle to be in possession of an open alcoholic beverage container or to consume any alcoholic beverage or controlled substance... in a motor vehicle while the motor vehicle is located on any highway in this commonwealth.

This section does not prohibit possession or consumption by passengers in the passenger areas of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation, including buses, taxis and limousines, or persons in the living quarters of a house coach or house trailer.

Any person who violates this section commits a summary offense.

| Penalty |           |
|---------|-----------|
| Fine    | 0-\$300   |
| Jail    | 0-90 days |

**DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE  
Section 3802 of the Pennsylvania Vehicle Code**

Pennsylvania has set .08% Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions. This law became effective September 30, 2003. Information concerning driving under the influence of alcohol or a controlled substance is available through the Pennsylvania Liquor Control Board web site at [www.lcb.state.pa.us](http://www.lcb.state.pa.us).

Disclaimer: This information is not intended to be legal advice, but merely conveys general information related to drinking and driving. For more information, please contact your local District Attorney's Office or a private attorney.

A person shall not drive, operate or be in actual physical control of the movement of any vehicle:

- While under the influence of alcohol to a degree which renders the person incapable of safe driving;
- While under the influence of any controlled substance . . . to a degree which renders the person of incapable of safe driving;
- While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving; or
- While the amount of alcohol by weight in the blood of the person who is an adult is 0.08% or greater or a minor is 0.02% or greater.

It is considered prima facie evidence if an adult has 0.08%, a minor has 0.02% or anyone operating a commercial vehicle has 0.04% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of said vehicle. For the purpose of this section, the chemical test of the sample of the person's breath, blood or urine shall be from a sample obtained within two hours after the person drove, operated or was in actual physical control of the vehicle.

In some cases, first time DUI offenders may be eligible for the Accelerated Rehabilitative Disposition (ARD) program. Offenders **may not be eligible** for the ARD Program if they:

- Have been convicted of a DUI within the past ten (10) years
- Have seriously injured or killed someone as the result of a DUI crash or
- Have been charged at the time of a DUI with other specific serious vehicle violations.

In addition, the District Attorney may have other requirements that may disqualify someone from ARD.

The ARD program consists of the following:

- up to 12-month license suspension
- community service
- restitution
- 6-month court supervision
- attendance at Alcohol Highway Safety School and its costs
- CRN evaluation
- court and administrative costs
- treatment and other conditions that a judge may impose

**OPERATION IN SAFE MANNER  
Section 7726 of the Pennsylvania Vehicle Code**

No person shall operate a snowmobile or an ATV in any of the following ways:

- At a rate of speed that is unreasonable or improper under existing conditions or in excess of the maximum limits posted for vehicular traffic
- In any careless way so as to endanger the person or property of another
- While under the influence of alcohol or any controlled substance.

No owner or other person having charge or control of a snowmobile or ATV shall knowingly authorize or permit the operation of the snowmobile or ATV by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.

| Penalty | 1 <sup>st</sup> Offense | Subsequent Offenses |
|---------|-------------------------|---------------------|
| Fine    | \$50-\$200              | \$100-\$300         |

## HEALTH RISKS

There are definite health risks associated with the use of alcohol and illegal substances. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse may be immediate and unpredictable, such as cardiac arrest with cocaine use, or more subtle and long term, such as liver deterioration associated with the prolonged use of alcohol. In addition to health related problems, other concerns relating to substance abuse include the following:

### Alcohol

Addiction, liver disease, Fetal Alcohol Syndrome, higher normal rates of peptic ulcers, pneumonia, cancer of the digestive and respiratory tracts, heart and artery diseases, accidents.

### Cocaine

addiction, heart seizures, stroke, lung damage, severe depression, paranoia, anxiety

### Marijuana

impaired short-term memory, psychological addiction, paranoia, increased heart rate, lung cancer, affects respiratory and reproductive systems, suppresses the immune system

### Hallucinogens (LSD, PCP, Ecstasy, Special K)

dependence, unpredictable behavior, flashbacks, psychoses, affects heart rate and respiratory system

### Depressants

addiction, muscle rigidity, possible overdose (barbiturates), interferes with REM phase of sleep

### Stimulants

addiction, paranoia, depression, confusion, possible hallucinations, weight loss, dehydration, psychiatric problems, higher rate of liver and heart disease

### Narcotics

addiction, lethargy, weight loss, depressed central nervous system, heart and lung abnormalities, hepatitis, AIDS (non-sterile needles), reduction of visual activity, constriction of pupils

### Inhalants

affects coordination, unconsciousness, suffocation, damage to brain and central nervous system, sudden death, respiratory depression

### Steroids

increased blood pressure, baldness, skin problems, liver toxicity and cancer, arteriosclerosis, insomnia, loss of elasticity in tendons and ligaments, shrinkage of testicles, decreased sperm count, fluid retention, pore enlargement increased aggressiveness

## TREATMENT RESOURCES

Cal U provides intervention, education and prevention services in an introductory capacity. Students who must cope with advanced issues relating to alcohol and other drug abuse are encouraged to contact an agency listed below, consult with a licensed private professional or seek the assistance of Cal U's Counseling Center. Those resources listed below that are community agencies do not comprise a comprehensive listing of off campus resources.

### BASICS (Cal U)

724-938-5507

Intervention, education, prevention, assessment, referrals

### Counseling Center (Cal U)

724-938-4056

Confidential Individual and Group Counseling

**Health and Wellness Education Center (Cal U)**

724-938-4232

Health services and referrals

**AL-ANON**

800-425-2666

Support for friends and family of alcoholics

**ALCOHOLICS ANONYMOUS**

724-489-0740

Peer support in dealing with alcoholism

**GATEWAY**

800-472-1177

Substance abuse and addiction treatment and free evaluation

**GREENBRIAR**

800-637-4673

Substance abuse and addiction treatment

**NARCOTICS ANONYMOUS**

412-391-5247

Peer support in dealing with drug abuse

**S.W. PA HEALTH SERVICES**

724-489-9100

Alcohol and other drug treatment services