

ALCOHOL & OTHER DRUGS

In keeping with the mission of the university, Linfield is committed to providing an environment that is safe and fosters excellence in learning for its students and in work performance for all of its employees. Therefore, the misuse and illegal use, possession, transportation, distribution, manufacture, or sale of alcohol and other drugs is not permitted on property owned or controlled by the University, or while representing the University on business or in other University sponsored activity. The use of alcohol on university owned or controlled property or at events associated with Linfield programs is restricted to those of legal drinking age in that locale.

Alcohol

- Those under 21 years of age may not consume alcohol or be under the influence of alcohol (except in foreign locations with permission from the on-site director and within the laws of that location).
- Providing alcohol to minors or providing a location where minors can consume alcohol is prohibited and is a violation of the alcohol policy.
- Those 21 and over may consume alcohol on campus only in the private rooms or apartments of those 21 and over with the door closed. All other areas of the university, indoor and out are considered public areas.
- Alcohol is not permitted in public unless such use is specifically authorized in writing by the President or the President's designee.
- Public consumption of alcohol or public possession of an open container of alcohol anywhere on campus is a violation of Linfield policy and City Ordinances of McMinnville and Portland regardless of a student's age. University apartment balconies are considered public areas.
- Kegs, beer bongs and other large containers of alcohol are not permitted in university-owned or affiliated properties and will be confiscated and will not be returned.
- Residents under 21 years of age:
 - Residents under the age of 21 may not have any alcohol containers, whether full or empty, in their campus housing. Residents who are found in possession of empty and/or full containers of alcohol in their room may be referred to the Office of Student Rights and Responsibilities and subject to disciplinary action. All containers of alcohol (full or empty) will be removed and dumped down the most convenient drain and all alcohol bottles will be recycled when possible.

If minors are present where alcohol is/was being consumed, all persons there may be held in violation of the university alcohol policy unless the minors can demonstrate that they consumed no alcohol. This can only be done on the McMinnville Campus by volunteering for a breathalyzer, administered by a Linfield Public Safety Officer. Breathalyzers requested after the conclusion of the incident or after a student has left the scene of the incident will not be administered or serve as a demonstration that an individual has not consumed alcohol. Failure to request and/or failure to take a breathalyzer is considered admittance to violating the alcohol policy. **It is the responsibility of the student to request a breathalyzer by contacting LPS.**

Because alcohol misuse is a very common hindrance to success in college, the University will treat any verifiable violation of any state or

local alcohol laws on or off campus by students as a violation of the University alcohol policy.

For students, minimum responses to alcohol policy violations are as follows:

1. First violations result in a meeting with a representative from the Dean of Students' Office and a requirement to complete an education program, which may be at the student's expense.
2. Second violations result in a meeting with a representative from the Dean of Students Office to determine the need for an educational response and/or referral to a Certified Alcohol and Drug Counselor.
3. Third violations may result in a recommendation for suspension from the University.

If alcohol consumption results in a health risk or hospitalization, the University may notify parents/guardians.

Additional sanctions may be imposed for situations such as:

- Violations of local, state, or federal drug laws
- Hosting a function that involves any drug violation
- Furnishing drugs
- Tampering with smoke detectors
- Disruption of community
- Unreasonable or excessive noise
- Lack of respect for or cooperation with responding authorities
- Providing false ID or misrepresentation of age or name
- Physical or verbal abuse of staff or police
- Leaving without providing identification

Sanctions may include, but are not limited to:

- Community restitution hours
- Educational programs
- Exclusion from University residence halls or apartments.

Students who struggle with addiction, or who develop a potential for such a problem are encouraged to seek assistance in the Health & Counseling Center in Walker Hall 103 or the Wellness Coordinator in Walker Hall 102 in McMinnville, or Peterson Hall 319 in Portland. Employees should seek assistance through the EAP via the Human Resources Office.

Furthermore, a person who manufactures, possesses, sells distributes, or facilitates the use of narcotics or dangerous drugs, or who is found under the influence of narcotics or dangerous drugs is in violation of the law and can be subject to severe penalty by a criminal court.

Drugs

Linfield University is a drug-free workplace. These regulations are part of the Federal Drug-Free Schools and Communities Act. The regulations require that, as a condition for receiving federal financial assistance, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as part of any of its activities.

Any member of the University community who uses, is under the influence of, manufactures, possesses, has under their control, sells, furnishes, or facilitates the use of a narcotic or dangerous drug or misuses prescription medication, is subject to disciplinary action up to and possibly including separation from the University. This includes the

possession or use of marijuana, marijuana oil, food products, cannabidiol, (hemp oil permitted if stored in original container), etc.

Because drug use is a hindrance to success in college, the University will treat any violation of any University policy, state or local drug laws on or off campus by students as a violation of the University drug policy. Law Enforcement may be contacted at the University's discretion.

For students, minimum responses to drug policy violations are as follows:

1. First violations result in a meeting with a representative from the Dean of Students' Office and a requirement to complete an education program, which may be at the student's expense.
2. Second violations result in a meeting with a representative from the Dean of Students Office to determine the need for an educational response and/or referral to a Certified Alcohol and Drug Counselor.
3. Third violations may result in a recommendation for suspension from the University.

If drug use results in a health risk or hospitalization, the University may notify parents/guardians.

Additional sanctions may be imposed for situations such as:

- Violations of local, state, or federal drug laws
- Hosting a function that involves any drug violation
- Furnishing drugs
- Tampering with smoke detectors
- Disruption of community
- Unreasonable or excessive noise
- Lack of respect for or cooperation with responding authorities
- Providing false ID or misrepresentation of age or name
- Physical or verbal abuse of staff or police
- Leaving without providing identification

Sanctions may include, but are not limited to:

- Community restitution hours
- Educational programs
- Exclusion from University residence halls or apartments.

Students who struggle with drug addiction, or who develop a potential for such a problem are encouraged to seek assistance in the Health & Counseling Center in Walker Hall 103 in McMinnville, or contact the Portland Counseling Staff at pdx-counseling.@linfield.edu. Employees should seek assistance through the EAP via the Human Resources Office.

Furthermore, a person who manufactures, possesses, sells, distributes, or facilitates the use of narcotics or dangerous drugs, or who is found under the influence of narcotics or dangerous drugs is in violation of the law and can be subject to severe penalty by a criminal court.

Drug Paraphernalia

Drug paraphernalia found in possession of persons under the age of 21 will be confiscated and destroyed by Linfield Public Safety, regardless of the value or suspected ownership. This includes, but is not limited to: bongs, grinders, pipes, vapes, bottles, or any other equipment, product, or accessory that is intended or modified for the use, consumption, or storage of federally illegal drugs.

Drug paraphernalia found in possession of persons over 21 will be confiscated and held by Linfield Public Safety. At the discretion of the Director of Linfield Public Safety, confiscated items may be returned to the person as long as they are removed from Linfield property. A receipt for the returned item(s) will be issued to the student by Linfield Public Safety. This includes, but is not limited to: bongs, grinders, pipes, vapes, bottles, or any other equipment, product, or accessory that is intended or modified for the use, consumption, or storage of federally illegal drugs.

McMinnville Residence Life & LPS Response Protocol

Steps used by staff when responding to possible policy violations may include (Depending on the specific circumstances, the order of these steps or the entire process may change as the situation warrants):

- Staff will knock on the door and announce who they are. Those residents present need to respond and answer the door. Failure to respond in a timely manner will result in an additional knock and an announcement that Residence Life or LPS will be entering the room or apartment.
- Students that live in the room or apartment will be asked to turn down the music and to speak with a Residence Life or LPS staff member (if this started as a noise issue). It will be explained to them that there is a concern that there may be a possible violation of Linfield policy.
- Students will be informed that they are responsible for all individuals in their room or apartment (including the balcony) and that **all** University policies (including alcohol) must be followed.
- If alcohol and/or drugs are present or staff believe that there may be other policy violations in the room or apartment it may be searched at this time. In drug cases, students can work with the University or the police. The police will be called in to help search a room if students are not cooperative or if the University believes additional assistance is needed.
- Student IDs and/or driver's licenses (if alcohol is present) will be checked in an orderly fashion. If no ID is available, students will be asked to wait until the staff finishes with everyone else, the student will then be accompanied to their room/apartment to see proper ID.
- A student's entire room or apartment (all rooms) will be searched during the ID check process to make sure that all students are properly checked for ID.
- If all present are of legal drinking age, students will be informed that the staff will be returning to check on the apartment/room, and if at that time noise is still a problem the staff will ask that all non-residents leave the room or apartment.
- If any illegal substances are present, staff will collect all names of people present, and the illegal substances will be confiscated and turned over to the police. If marijuana paraphernalia is confiscated and the resident of the room/apartment is 21 years of age, they may appeal to the Director of Linfield Public Safety to arrange a time to pick up the items from LPS and remove them from campus.
- If minors are present and wish to volunteer for a breathalyzer, LPS will administer this test. Breathalyzers requested after the conclusion of the incident or after a student has left the scene of the incident will not be administered or serve as a

demonstration that an individual has not consumed alcohol. **It is the responsibility of the student to request a breathalyzer.**

- If all minors present can demonstrate that they have not consumed alcohol through the use of a breathalyzer, students will be informed that the staff will be returning to check on the apartment/room, and if at that time noise is still a problem (if this was initially a noise complaint) the staff will ask that all non-residents leave the room or apartment.
- If any minor does not submit to a breathalyzer or if any minor does not pass the breathalyzer then all non-residents of the room or apartment will be asked to leave after an ID check.
 - If any resident of the room or apartment is under the legal drinking age (under 21) and cannot demonstrate that they have not been drinking by volunteering for a breathalyzer, then all containers of alcohol, regardless of whether they are open or not, will be confiscated and dumped down the most convenient drain. All alcohol bottles will be recycled when possible. The student can expect to be contacted by the Office of Student Rights and Responsibilities for University policy violation(s).
- If an alleged policy violation has occurred, all students' names will be sent to the Office of Student Rights and Responsibilities for determination of the appropriate conduct review process.

- Purchase, attempt to purchase, or acquire alcoholic beverages.
- Have personal possession of alcoholic beverages.
- Enter or attempt to enter any portion of licensed premises posted or otherwise prohibiting minors' entry.

Penalty: you could be fined up to \$250 for any of the above offenses. If you are under 18 and violate the MIP laws pertaining to alcohol or controlled substances, you may lose your driver's license for at least one year. If you are not yet licensed to drive, your right to apply for a driver's license may be suspended for one year or until you are 17, whichever is longer.

Furnishing Alcohol to a Minor

Making alcohol available to a minor is a crime. This would include presenting a gift of alcohol, sharing a drink, collecting party donations, or purchasing alcohol for the minor. Selling (collecting party donations) alcohol to a minor is also illegal.

Penalty: The mandatory minimum fine for a first offense is \$350. The maximum which could be imposed is a fine up to \$2,500, one year in jail, or both.

Identification

If you are 21 or older and attempt to purchase alcoholic beverages or enter an establishment where liquor is served, you must be able to produce a driver's license, or, if the license doesn't have your photograph, an identification card issued by the Motor Vehicles Division.

It is against the law for you to:

- Loan your license or ID card to someone else.
- Attempt to use a card belonging to someone else or attempt to use a falsified ID card.
- Make a written statement of age that is false in whole or in part, or produce any evidence that would falsely indicate your age, either in trying to enter a bar or when applying for an ID card from the Motor Vehicles Division.

Penalty: Violations involving ID cards are considered criminal offenses (class A misdemeanors) and carry a fine of not more than \$2,500 or one year in jail or both.

Under Oregon law, the charge and penalty you face for possession of drugs depends on the drug you were caught with. The chart below represents some of the more common possession charges and their maximum sentences:

Drug	Charge	Potential Sentence
Heroin, LSD	Class B felony	Up to 10 years in prison and \$100,000 in fines
cocaine, methadone, methamphetamines	Class C felony	Up to 5 years in prison and \$100,000 in fines
Steroids, some prescription drugs	Class A misdemeanor	Up to 1 year in jail and \$2,500 in fines

Ref: OR.Rev Stat. §475

Medical Clemency Policy

Student safety comes first! In any emergency involving alcohol or other drugs, call 911 immediately for emergency medical assistance.

Drug-Free School and Community Act

Linfield University is required by federal law (the Drug-Free School and Community Act) to publish the following:

Driving Under the Influence of Intoxicants (DUII)

It is illegal to drive in Oregon with a Blood Alcohol Count (BAC) of .08% or more, or under the influence of intoxicants (alcohol and other drugs). DUII is a Class A misdemeanor that can carry a maximum fine of up to \$5,000. You may be found guilty at a lower BAC reading - or even without a breath test if you show visible signs of physical or mental impairment.

Other Drugs and Driving

Oregon's DUII law states that it is illegal to drive under the influence of either intoxicating liquor or a controlled substance (over the counter, prescription or illicit drugs), or a combination of both.

Open Container Law

In Oregon, it's against the law to drink any alcoholic beverage in a car on a public highway, and it's illegal for the driver or passenger to have an open container in the car on a highway, moving or not.

Implied Consent Law

This law provides that anyone (whether licensed in this state, some other state or unlicensed) is deemed to have given consent to a blood alcohol count (BAC) test when arrested for driving under the influence (DUII) on a public highway or premises open to the public

Host/Server Liquor Liability ORS 471.410

In Oregon, it's against the law to serve or to make available an alcoholic beverage to a visibly intoxicated individual. Whether you are a host in your home or a server in a licensed establishment, you could be held liable for damages. Penalty: Maximum \$2,500 fine plus one year in jail.

Minor in Possession (MIP) ORS 471.430

If you are under 21 years of age, it is against the law for you to:

Linfield Medical Clemency Policy

Linfield University is strongly committed to the health, safety, and well-being of all its students. Students are encouraged to look out not only for their own health and well-being but also for that of their peers.

When someone's health or safety is threatened or appears to be at risk, students should take immediate action to prevent injury, illness, or danger. Medical Clemency is a policy that allows students to seek help for themselves or others, involved in a drug or alcohol-related emergency, without being referred to the formal conduct process.

Linfield University is deeply concerned that, in a medical emergency involving alcohol or other drugs, some students may consider refraining from calling for help because of fear that doing so might subject them to disciplinary action. To address this concern, the following protocol will be used for addressing possible disciplinary consequences when medical emergencies result from the use of alcohol or other drugs. A student may only claim Medical Clemency prior to any report or discovery of an alcohol or drug violation by Residence Life or LPS staff.

1. Any individual who seeks campus or medical assistance on behalf of another student during an alcohol or other drug-related emergency will meet with the appropriate university official(s) to discuss the incident, but will not be subjected to disciplinary proceedings through Linfield University's conduct review process for possession or consumption of alcohol or other drugs.
2. The recipient of medical clemency will not be required to resolve the matter through Linfield University's conduct review process if the student agrees;
 - a. to participate in a referral to an appropriate campus or community resource, which could include a conversation with the Office of Student Rights and Responsibilities and/or the Office of Student Care & Support and/or the Office of Student Wellness, and/or the Office of Student Health and Counseling.
 - b. to comply with any possible recommendations set forth by that resource.
 - c. If the recipient of medical attention does not comply with provisions (a) and (b), then the student will be sent through the normal conduct review process.
 - d. Because the safety and well-being of our students are such a concern, students with multiple Medical Clemencies may be asked to seek a professional evaluation regarding their alcohol and/or drug use. Should illegal drugs be discovered as a result of medical clemency, the University is obligated to contact local law enforcement.
3. If an individual or representative of an organization hosting an event calls for medical assistance, this act of responsibility will alleviate any conduct review sanctions against the individual or organization that might arise from the possession or consumption of alcohol or other drugs. This condition will apply in isolated incidents only and will not excuse or protect those individuals or organizations that flagrantly or repeatedly violate the Linfield University Alcohol and Drug Policies. Similarly, failure to call for campus or medical assistance in an alcohol or drug-related emergency will be considered an "aggravating circumstance" and may affect the conduct review resolution against the individual or organization, if violations of Linfield's Student Code of Conduct have occurred. This protocol refers only to incidents occurring at university and fraternity housing.

The responsibility for determining the applicability of this protocol rests solely with the Office of Student Rights & Responsibilities. This protocol is not intended to address possible violations of criminal laws or their consequences outside the Linfield campus.

State Clemency Policy

A person under 21 years of age is not in violation of, and is immune from prosecution under, this section if:

1. The person contacted emergency medical services or a law enforcement agency in order to obtain medical assistance for another person who was in need of medical assistance due to alcohol consumption and the evidence of the violation of this section was obtained as a result of the person's having contacted emergency medical services or a law enforcement agency;
or
2. The person was in need of medical assistance due to alcohol consumption and the evidence of the violation of this section was obtained as a result of the person's having sought or obtained the medical assistance.

Paragraph (a) of this subsection does not exclude the use of evidence obtained as a result of a person's having sought medical assistance in proceedings for crimes or offenses other than a violation of this section. **Section 2.** The amendments to ORS 471.430 by section 1 of this 2014 Act apply to conduct occurring on or after the effective date of this 2014 Act.