

**Pepperdine University  
Drug Free Schools and Communities Act  
Biennial Review - 2010**

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# **I. Executive Summary**

## **A. Introduction**

The Drug-Free Workplace Act of 1988 prohibited "the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance" in the workplace. The Drug-Free Schools and Communities Act of 1989 Amendments required institutions of higher education to design and implement alcohol and illicit drug programs on their campuses. As a condition of receiving funds or any other form of financial assistance under any federal program, Pepperdine University has to certify that it has adopted and implemented a program to prevent "the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" on campus property or as part of any campus activity.

This legislation directed Pepperdine University to develop a written policy on alcohol and other drugs and to develop a process that ensures policy distribution to all students, staff and faculty. The written policy must enumerate federal, state or local sanctions for unlawful possession or distribution of illicit drugs and alcohol, describe health risks associated with alcohol abuse or illicit drug use, describe University AOD programs available for students and employees, and specify disciplinary sanctions imposed on students and employees for policy violations. Also, the University is required to conduct biennial reviews to assess the effectiveness of its alcohol and drug programs.

In compliance with federal legislation, the Alcohol and Other Drug (AOD) Program Coordinator, Pepperdine Counseling Center, has prepared this biennial review.

## **B. Scope of the Biennial Review**

Applicable University drug and alcohol policies are included to facilitate policy access. An augmentation of the University's drug and alcohol policy dissemination process is described. Standards of conduct, legal sanctions and health risks are addressed.

Components thought to be essential to the University's drug and alcohol program include academic courses, student health services, data collection, educational programming, campus life, alternative student activities, student and employee conduct, student government, campus/community collaboration and research. Each component is described, and where available and relevant, process and outcome statistics are presented, e.g., NCHA Survey results.

A major objective of this review is to begin a meaningful and consistent data collection procedures, as well as initiate new methods of evaluating the success of Pepperdine University's AOD programming and interventions. As indicated, this biennial review primarily pertains to the Fall 2008- Fall 2010 academic years. While indicating particular program success is difficult, some general conclusions can be reported. Efforts to continue enhanced data collection and program assessments will be addressed in future biennial reports.

## **C. General Conclusions**

Pepperdine University's AOD program is in full compliance with federal legislation. AOD-related data has been collected consistently, every other academic year, for the past 8 years. Overall, the data confirms that, although higher than desired, Pepperdine's incidence of problematic drinking is lower than the national average. Certain groups at Pepperdine, including fraternity members and athletes, have higher percentages of their membership do appear to be at greater risk of engaging in problematic drinking patterns.

The Higher Education Center for Alcohol and Other Drug Prevention has recommended that colleges and universities focus their drug and alcohol programming efforts on campus environments. The Higher Education Center states, "student decisions to drink or use other drugs are shaped by campus norms and expectancies, campus policies and procedures, availability of alcohol and other drugs, enforcement of regulations and laws, and availability of alcohol-free social and recreational options." The drug and alcohol program at Pepperdine currently addresses each of these components, although efforts to increase campus-wide programming about AOD issues continues to be a major goal of the university.

Based on all of the information gathered, identified next steps include developing targeted prevention and intervention programs for students within high-risk groups, systematizing AOD data collection efforts, enhancing communication regarding policies with students, and encouraging various campus constituencies (e.g., faculty, administration) to share the responsibility of AOD efforts.

## **II. University Alcohol and Other Drug Policies**

### **A. Philosophy**

Pepperdine University seeks to foster an alcohol- and drug-free environment in which to work, live, learn, and grow. As a Christian University, we approach alcohol and other drug abuse with a combination of compassion, encouragement, directness, and concerned firmness. An aspect of this caring approach is the consistent enforcement of the regulations regarding alcohol and other drugs contained within this policy. 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 following information is presented in compliance with the Drug-Free Schools and Communities Act of 1989.

### **B. Prevention and Education**

Pepperdine seeks to prevent alcohol and other drug-related problems by educating students about the personal and social consequences associated with the abuse of drugs. Educational programs are offered on an ongoing basis and are coordinated through the Counseling Center. Pepperdine also participates in the annual National Collegiate Alcohol Awareness Week. Resident Advisors in the residence halls receive alcohol and

drug awareness training in order to serve the needs of the residential community. Prevention strategies also include efforts to change inappropriate community norms regarding alcohol and other drug use and to alter environmental factors that support inappropriate use. Finally, the University partners with the community and parents/guardians of students to help prevent abuse.

### **C. Assistance in Overcoming Alcohol and Other Drug Abuse**

For students who seek help for substance abuse problems, complete confidentiality will be observed to the limit of the law. Insofar as federal and state statutes and professional ethical standards permit, no professional on the Pepperdine health and counseling staffs will in any way notify the administration of the name of a student who seeks help for a substance abuse problem without prior written permission from that student, and no records will be forwarded to the administration regarding the services or the problem. Confidential counseling and treatment are available to students through the Student Health and Counseling Centers or by referral to appropriate agencies off-campus. Please contact the Counseling Center at 310-506-4210 for more information.

### **D. Regulations and Sanctions Regarding Alcohol and Other Drugs**

Students are responsible for conforming their behavior to Federal, State, and local law, and to the University's Policy on Alcohol and Other Drugs. When violations of law or policy come to the attention of University officials, students may be referred for criminal prosecution and University sanctions may be imposed. Harm to persons or damage to either private or University property arising from the actions of intoxicated individuals on the premises of the University will be the full and sole responsibility of such individuals.

1. The consumption or possession of alcoholic beverages or possession of empty containers is prohibited on University property or at any University-sponsored event or activity, regardless of the student's age.
2. It is a violation to be in the company of others who are drinking alcohol, using a controlled substance, or displaying alcohol containers or drug-related paraphernalia on University property.
3. It is a violation to misrepresent one's age for the purposes of purchasing or consuming alcohol. This includes the manufacture, sale, distribution, promotion, possession, or attempt to obtain false identification. Possessing a fake ID may result in University probation on the first offense.
4. Drunkenness, on or off campus, is not consistent with the moral standards of the University and may result, minimally, in University probation on the first offense and suspension on the second offense. Drunkenness is defined as a blood alcohol content of .08% or more and/or as offensive, disruptive, destructive, hazardous, and/or vulgar conduct during or following the consumption of alcoholic beverages.
5. Operating a motor vehicle, on or off campus, while under the influence of alcohol or a controlled substance is a serious threat to oneself and the community and may result in immediate suspension, expulsion, or dismissal.

Anyone who injures another person as a result of driving under the influence may be permanently dismissed.

6. The attempt to obtain, use, possess, distribute, or sell, any potentially harmful (e.g., prescription drugs) or illegal drug (including marijuana) or drug-related paraphernalia (including hookahs) is strictly prohibited. Anyone involved in the sale or distribution of drugs on or off campus may be dismissed immediately.
7. The possession or presence of any amount of a controlled substance is prohibited. This includes but is not limited to the presence of marijuana smoke or odor, small “roachies,” or residue found in baggies, pipes, or other paraphernalia. The possession or presence of marijuana or other controlled substances may result, minimally, in suspension.
8. Promoting the consumption of drugs or alcoholic beverages may not be undertaken within the confines of University properties or through University-sponsored or approved publications or events.
9. Any student or student organization found supplying alcohol at University-sponsored off-campus events will be subject to disciplinary action.
10. Any student leader (including, but not limited to, Orientation Leaders, RAs, and Student Service Officers) who promotes or supplies alcohol or other controlled substances may be immediately suspended, expelled, or dismissed from the University. Examples of promoting alcohol/controlled substances include advertising parties either verbally or with flyers and inviting or driving underage students to parties where alcohol is present.
11. Hosting or in any way assisting or promoting a gathering (on or off campus) that includes underage drinking or drunkenness may result in suspension. Those living at the location where the party is held may be held responsible as hosts regardless of who provides the alcohol
12. Any student who encourages another to consume alcoholic beverages or any substance as a means to induce that individual to engage in behavior that would otherwise be against that person’s will is subject to dismissal.
13. Any student who sexually assaults or attempts to sexually assault another person who is intoxicated is subject to immediate dismissal.

The University maintains a clear guidelines about Hazing behavior which can be found in the students handbook and reads:

Pepperdine University is dedicated to a hazing-free environment. Hazing is prohibited by state law and University policy. All students and members of campus organizations are required to fully comply with California’s Code requirements on hazing and the University’s regulations prohibiting hazing. Please be aware that the California Legislature recently enacted a new law that makes hazing a potential felony, punishable with up to one year in prison, \$5,000 in fines, and liability for injury to any persons harmed. Liability for hazing also extends to student organizations, and not just to those who directly participated in the hazing acts. The new law defines hazing as: [A]ny method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution,

which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. Penal Code section 245.6(b)

Pepperdine University prohibits any recognized student organization from engaging collectively or individually in hazing. Specific examples include, but are not limited to, any of the following:

1. Any activity that is mandatory for new members only, and is not educational in nature (e.g., performing personal chores or errands).
2. Such activities as new member only scavenger hunts, new member ditches, and the like.
3. Compelling a person or group to remain at a certain place or transporting a person or group anywhere without their consent (road trips, kidnaps, etc.).
4. Expecting students to do anything exclusively “for the fun or entertainment of the members.”
5. All forms of physical activity not a part of an organized athletic contest and not specifically directed toward constructive work.
6. Conducting activities that prohibit adequate time for study.
7. Depriving students of sufficient sleep (6 hours per day minimum), decent and edible meals, or access to means of maintaining bodily cleanliness.
8. Forcing, coercing or permitting students to eat or drink foreign or unusual substances such as raw meat, salt water, onions, etc..
9. Applying foreign substances to the body, branding, tattooing, piercing, or other bodily alteration.
10. Carrying any items (shields, paddles, bricks, etc.) that serve no constructive purpose or that are designed to punish or embarrass the carrier.
11. Forcing, or allowing, students to dress in any unusual or awkward fashion.
12. Nudity at any time.
13. Depriving students of “sense awareness” (sight, sound, etc.), which may cause mental and/or physical stress.
14. Misleading students in an effort to convince them that they will not attain full membership status, that they will be hurt during an initiation ceremony, or any other activity that would cause extreme mental stress.
15. Subjecting a person or group of people to verbal harassment.
16. Conducting “interrogations” or any other non-constructive questioning.
17. Disallowing students to talk for an extended period of time.
18. Forcing students to make monetary payments or incur extra expenses not included in general membership dues.

Disciplinary action at the University level is considered independent from other court proceedings and may be instituted against a student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Code of Conduct. For more information on hazing, visit [www.stophazing.org](http://www.stophazing.org) or contact the Student Organizations Coordinator in the Student Activities Office.

## **E. Immunity for Good Samaritans**

Pepperdine encourages students to offer help and assistance to other students in need, both on and off campus. Sometimes students are hesitant to offer assistance to other students for fear that they themselves may be charged with policy violations (for example, a student who has been drinking underage might hesitate to get help from Public Safety or an RA for someone who may be suffering from alcohol poisoning, or might be hesitant to provide important information about a sexual assault incident). Students who seek assistance for a student in need will receive immunity from alcohol policy violations related to the incident. This immunity from disciplinary action applies to both the “Good Samaritan” and the student needing assistance.

## **F. Parental Notification**

Pepperdine University has long recognized its special relationship with the parents and families of its students. Even after students leave home for college, parents often play a central role in their character development, so Pepperdine works in partnership with parents in helping students make the transition to responsible adulthood.

The University also recognizes that students have specific privacy rights. FERPA, the Family Educational Rights and Privacy Act of 1974, is a Federal law that controls the confidentiality of, and access to, student education records. The Higher Education Amendments of 1998 permit educational institutions to notify parents if a student, under the age of 21 at the time of notification, commits a disciplinary violation involving alcohol or a controlled substance. See Pepperdine’s Student Records Policy for additional information about FERPA and educational records. A full copy may be obtained by contacting the Registrar’s Office.

The purpose of Pepperdine’s parental notification policy is to promote the holistic development of students and to foster an alcohol- and drug-free campus community. Among several interventions that may be used to further this purpose, parents or guardians of students under the age of 21 may be notified in the case of a violation of University alcohol or other drug policies. Notification begins with:

1. The **first** time a student is charged with violating the University policy under one of following circumstances:
  - a. Caused harm to oneself or another while under the influence of alcohol or other drugs or was transported to a medical facility and treated because of alcohol or other drug use.
  - b. Was unruly, disruptive, or destructive while under the influence of alcohol or other drugs.
  - c. Operated a vehicle under the influence of alcohol or other drugs.
  - d. Was arrested or taken into custody by law enforcement officers while under the influence of alcohol or other drugs or is charged with violating a federal, state, or local law related to alcohol or other drug use.



- e. Because of previous violations (not related to alcohol or other drugs), the current violation might result in the student being placed on suspension or a more severe sanction.
  - f. Hosted or in any way assisted or promoted a gathering that included underage drinking or drunkenness.
2. The **first** time a student is charged with violating the University policy regarding the attempt to obtain or the use, possession, sale, or distribution of any narcotic or other controlled substance not lawfully prescribed by a health care provider.
  3. The **second** time a student is charged with violating the University policy regarding:
    - a. The consumption, possession, sale, or distribution of alcoholic beverages.
    - b. Being in the company of others who are drinking alcohol, using a controlled substance, or displaying alcohol containers or drug-related paraphernalia on University property.

Normally, a parent or guardian will be notified in writing by the assistant dean of students before the disciplinary hearing. Before notifying the parents or guardians, every effort will be made to inform with the student and attempt to have the student make the first contact. This is consistent with the general philosophy that supports students developing independence and personal accountability. However, in some situations consultation with the student or first contact by the student may not be possible or appropriate and in such cases the University is not required to alert the student when it has notified his/her parent or legal guardian. In other situations, after consulting with the student, the assistant dean of students may determine that notifying the parents/guardians may be harmful to the student and in such cases the University is not obligated to make notification.

This policy does not preclude the University's contacting parents or guardians for other policy violations that may endanger the health and well being of a student or other individuals in the community.

## **G. SMOKING AND TOBACCO USE**

### **1. Purpose**

Research demonstrates that tobacco smoke is a health hazard to both smokers and non-smokers. According to the Surgeon General, cigarette smoking is the leading preventable cause of illness and premature death in the United States. Non-smokers who are regularly exposed to second-hand smoke are also at an increased risk of illness. In the interest of creating a safe and healthy environment, Pepperdine University has adopted the following policy.

### **2. Policy**

This policy applies to all University facilities on the Malibu campus. All persons using the facilities of the University are subject to this policy.

- a. Smoking is prohibited inside any area of any University-maintained building, including faculty/staff offices and student residential facilities. Except as otherwise designated, this includes hallways, breezeways, patios, balconies, doorways, elevators, and loading docks.
- b. Smoking is prohibited outdoors in the following settings:
  - i. Near any undeveloped, brush area.
  - ii. Within 20 feet of the entrance to any campus building or ventilation system, except as otherwise designated.
  - iii. On Drescher Graduate Campus plazas and on the following lower campus plazas: Joslyn Plaza, Adamson Plaza, and the plaza located in front of the Payson Library main entrance, except as otherwise designated.
  - iv. At spectator sports or other outdoor campus events, except as otherwise designated.
- c. Smoking is prohibited in any vehicle owned, leased, or operated by the University.
- d. The sale, distribution, or advertisement of tobacco products is prohibited on campus.

### **3. Cessation**

Smoking cessation programs are available to faculty and staff by programs offered through the Human Resources office. Programs and services for students are offered through the Student Health Center and Counseling Center.

### **4. Compliance**

All members of the University community share in the responsibility of adhering to and enforcing this policy. The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and non-smokers.

## **H. Alcoholic Beverages-Sale, Serving and Consumption**

The University prohibits the sale, serving and/or consumption of any type of alcoholic beverages by any university department or vendor. Any student or student organization found supplying alcohol at University-sponsored off-campus events will be subject to disciplinary action.

## **I. Alcoholic Beverages-University Housing**

Housing and Community Living has a clear policy about alcohol use in University housing which states:

It is the responsibility of the resident to be familiar with all on campus living policies which pertain to all living areas, including graduate housing. The possession and/or use of alcohol, illegal substances, drug paraphernalia and weapons are not allowed on the campus. Pets are not allowed. Smoking is prohibited within twenty feet of all campus buildings, including residential areas. A full description of University and Community Living policies can be found in either the Seaver Student Handbook or in the Graduate Housing Booklet. By submitting the Housing Contract, and/or room occupancy form, each resident student accepts responsibility for knowing and adhering to the regulations of the University. Violation of these policies will result in disciplinary action and can result in the loss of housing privileges. Any resident dismissed from housing will be responsible for the housing charges for the remainder of the contractual period.

## **J. Guidelines for Fraternity and Sorority Use of Alcohol/ Hazing Policy**

Pepperdine supports four national fraternities and seven national sororities with a membership of approximately 800 students. Alcohol is forbidden at any Greek sponsored event, even in cases where members are over the age of 21. All Greek members must abide by the Alcohol and Other Drug guidelines set forth by Pepperdine University. Hazing of any kind is prohibited, included hazing rituals that include the use of alcohol and other drugs.

### **Hazing Contract**

*To be completed by the chapter President and New Member Educator*

**Panhellenic/IFC Definition of Hazing:** Hazing is a broad term encompassing any action or activity which does not contribute to the positive development of a person; which inflicts or intends to cause physical or mental harm or anxieties; which may demean, degrade or disgrace any person, regardless of location, intent or consent of participants. Hazing can also be defined as any action or situation which intentionally or unintentionally endangers a student for admission into affiliation with any student organization.

#### **Activities Considered to be Hazing**

- Staging any form of line-up
- Marking or branding
- Treasure or scavenger hunts, road trips
- Calling new members by anything but their first names (i.e. “pledge Smith”)
- Requiring calisthenics such as sit-ups, push-ups, etc.
- Preventing/restricting class attendance or sleep
- Forcing someone to eat/drink against his/her will
- Requiring uncomfortable or ridiculous dress (i.e. suits/dresses to class)
- Conducting any type of Hell Week activities or calling any pre-initiation activity Hell Week

- Requiring new members to practice any periods of silence
- Prohibiting new members from being alone (i.e. walking to class)

Although not every hazing incident is listed above, this gives an overview. If your new member educator, president or active member questions whether an activity is hazing, or not, please contact the Campus Life Office x4201. Remember, if you think it's hazing, it probably is!

As a member of \_\_\_\_\_ I have read and am familiar with the Panhellenic/IFC definition of hazing, activities considered to be hazing, and the California State laws on hazing as outlined in the Seaver College Student Handbook. I understand the consequences of hazing and make a commitment to abide by all policies and laws pertaining to hazing. I will not encourage, promote, or participate in hazing activities. Should I violate the Pepperdine hazing policy, I realize I am putting myself and entire chapter in jeopardy and will face University and Panhellenic/IFC penalties and/or criminal penalties as defined by California State law.

## **K. Student Judicial Process**

### **1. PHILOSOPHY OF STUDENT DISCIPLINE**

The judicial process is based on the assumption that disciplinary procedures, when required, should be an educational process. Disciplinary sanctions are imposed to help students develop individual responsibility and encourage self-discipline, to foster a respect for the rights of others, and to protect the rights, freedoms, and safety of members of the University community. Students who demonstrate an unwillingness or inability to follow the Code of Conduct will be treated in the same manner as one who has failed academically.

An institution of higher learning is authorized by law to establish and administer codes of conduct and to suspend, expel or dismiss students whose actions negatively impact the campus community. The University reserves this right.

Student disciplinary proceedings are not analogous to criminal court proceedings. No particular model of procedural due process is required. However, the procedures should be structured in order to facilitate a reliable determination of the truth and to provide fundamental fairness. Procedures can be very informal in cases where suspension, expulsion, or dismissal, are not a probable penalty; more procedural formality should be observed in serious disciplinary cases. In all situations, fundamental fairness requires that students be informed of the nature of the charges and be given a fair opportunity to respond to them.

### **2. REPORTING MISCONDUCT**

Anyone may report a violation of the Code of Conduct by contacting the Dean of Students Office at 506-4472. Normally, the person reporting the violation will be asked

to submit a written report. The report should be a brief written statement citing the section of the code allegedly violated and providing a summary of the facts deemed to constitute a violation. Reports should be submitted as soon as possible after the event takes place. The University reserves the right to take action against an individual for violating the Code of Conduct regardless of how much time has passed since the incident.

Anonymous reports may be made on the anonymous Wave Tip line by calling voice mail at 506-1234 (on campus) or 506-4001 (off campus) and then dialing 9563. Students living in the residence halls may also notify their resident advisor. *For any campus emergency, call 506-4441 or 506-1262.*

### 3. SOURCES OF INFORMATION

Information about a student's misconduct may come from a variety of sources including, but not limited to, reports from faculty, staff, students, departments (e.g., Housing and Community Living, Department of Public Safety), law enforcement agencies, or community members. Other sources of information may include Internet sites, e-mail, instant messaging; photographs, and audio or video recordings.

### 4. DEFINITION OF STUDENT

Pepperdine University may exercise authority over any matriculated undergraduate or graduate student who is enrolled full- or part-time; has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or is on an approved educational leave or other approved leave status. This includes the period before classes begin, while the student is attending classes, between academic sessions or on leave from the University.

### 5. AUTHORITY AND RESPONSIBILITY FOR STUDENT DISCIPLINE

The dean of students is responsible for the overall coordination of rules and regulations regarding student discipline for misconduct and serves as the final appeal for student disciplinary decisions. The assistant dean of students is primarily responsible for the operational details of the disciplinary process. The assistant dean of students will review reports of misconduct and may conduct an investigation. If the assistant dean of students considers the report to indicate probable violation of the Code of Conduct, the incident will be heard through either an administrative hearing by a staff member or a hearing by the Student Disciplinary Committee.

When appropriate, some University policy violations may be addressed by other judicial bodies (e.g., Academic Integrity Committee, International Programs Disciplinary Committee, Non-Academic Grievance Officer).

### 6. ADMINISTRATIVE HEARINGS

In some cases of student misconduct, a Student Disciplinary Committee hearing may not be necessary. This is most often true when the violation is of a less serious nature and the misconduct would not result in suspension or dismissal. In such a case, the student attends an administrative hearing with a University staff member (normally the assistant dean of students or a resident director) to discuss the incident, the student's involvement in it, and any steps that must be taken or sanction imposed to resolve the matter. The meeting will be followed by an official letter summarizing this discussion.

Sanctions imposed as a result of an administrative hearing cannot be appealed. Sanctions imposed by the Student Disciplinary Committee may be appealed; therefore, students who are summoned to an administrative hearing may request instead to meet with the Student Disciplinary Committee if they want an appeal option.

## 7. STUDENT DISCIPLINARY COMMITTEE HEARINGS

If, after reviewing a report of misconduct, the assistant dean of students determines that the incident is deemed sufficiently serious, the incident will be submitted for hearing by the Student Disciplinary Committee. The Committee will be composed of two students, two faculty members, and one staff member. A quorum of one student, one faculty member, and one staff member is necessary to conduct a hearing. The assistant dean of students will chair the Committee but is not a voting member unless there is a tie vote.

Before meeting with the Student Disciplinary Committee, the student will be provided in writing with a summary of the behavior that allegedly violates particular provisions of the Code of Conduct. The notice will also include the date and time of the hearing, not less than five or more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling hearings may be extended at the discretion of the assistant dean of students.

Other than as outlined below, hearings need not adhere to formal rules of procedure or technical rules of evidence followed by courts of law. Hearings will be conducted according to the following guidelines:

- a. All procedural questions are subject to the final decision of the assistant dean of students.
- b. The hearing will normally be conducted in private. Admission of any person to the hearing will be at the discretion of the assistant dean of Students.
- c. Accused students have the right to be assisted by any advisor they choose. The advisor, for example, may be a parent or an attorney. Accused students are responsible for presenting their own case and therefore advisors are not permitted to represent the student or to participate directly in the hearing. The role of the advisor is to accompany the student and advise him or her privately during the hearing process. Advisors who are disruptive may be asked to leave the hearing.

- d. Parents of the accused student may also attend as support persons and observers. However, they may not speak or otherwise participate in the hearing. Parents who are disruptive may be asked to leave the hearing.
- e. Hearings will be chaired by the assistant dean of students (or designee), and will proceed in the following manner:
  - Reading of the charges.
  - The student's denial or admission of the charges. (If the student admits the charges, then the Committee may dismiss the student and deliberate on the appropriate sanctions.)
  - Review of the information in support of the charges.
  - Questions about the information by the student charged and/or the Committee.
  - Presentation of information by the student charged that rebuts the charges and questions by the Committee.
  - Closing statement by the accused student.
- f. The chair and the accused student may call witnesses. The Committee may ask questions of the witnesses. The accused student may not directly question the witness, but may direct questions to the chair after the witness has been excused. The chair will then determine if the questions are appropriate, and if so, will ask the witness to return and answer the questions. Witnesses may only be present while giving testimony. Accused students must present a list of witnesses and purposes of their statements to the chair 24 hours in advance of the hearing.
- g. A list of witnesses called by the University should be presented to the accused student 24 hours in advance of the hearing.
- h. Pertinent records, exhibits and written statements may be accepted as information for consideration by the Committee at the discretion of the chair. This information must be submitted to the chair at least 24 hours in advance of the hearing.
- i. If, during the course of the hearing, additional charges are discovered, the accused student will be notified of the new charges and will be granted additional time, if needed, to prepare a defense of the new charges. The accused student may waive the additional time and the hearing can proceed with the new charges taken under consideration by the Committee. A record should be made in the hearing notes of additional charges and whether or not the student desires additional preparation time.
- j. Information about the misconduct of other students shared at the hearing may be used as the basis for disciplinary action.
- k. The Committee's determination will be made on the basis of whether it is more likely than not that the accused student violated the Code of Conduct.
- l. After the hearing, the Committee will determine by majority vote whether the student has violated each section of the Code of Conduct that the student is charged with violating.

- m. If the student is found to have violated the Code of Conduct, the Committee will then determine appropriate sanctions.
- n. The assistant dean of students will notify the student in writing of the Committee's decision and the sanctions issued, if any.
- o. There will be a single written record of the hearing, which normally consists of the statement of alleged misconduct, a summary of the information presented in the hearing, a summary of the statement of the accused, statement of the decision, and the sanctions issued, if any. The hearing will not be transcribed or otherwise recorded.
- p. If the accused student fails to appear at the hearing, the Committee may make a decision based on the available information. If the assistant dean of students determines that good cause exists for the accused student not appearing at the hearing, a new date may be set for the hearing.

## 8. SANCTIONS

Violation of University policies for personal conduct may result in the imposition of one or more of the sanctions listed below. Sanctions that may be imposed are not limited to those listed. In certain limited situations, University officials may impose a sanction but suspend or postpone its actual implementation. Failure to comply with the sanction(s) imposed by a judicial body may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, University probation, or suspension.

If a violation occurs just prior to a student's scheduled graduation, sanctions may be imposed even if all academic requirements are completed. Sanctions may include, but are not limited to, community service, research or reflective paper, restitution, loss of privilege to participate in the graduation ceremony, deferment of degree, and a transcript hold. The University may withhold issuing a degree until all sanctions are fulfilled. In the rare case of a serious violation (e.g., sexual assault, DUI, illegal drug sales), the University may permanently withhold a degree.

Sanctions affecting the conduct of students are based on general principles of fair treatment. While attempting to be consistent in its disciplinary decisions, the University also seeks to be fair and sensitive to the facts and circumstances of each individual case.

- a) **Warning:** Oral or written notice to the student that the student is violating or has violated the Code of Conduct and that continuation or repetition of misconduct may result in a more severe sanction.
- b) **University Probation:** A status which indicates that a student's relationship with Seaver College is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of any University regulations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations. For example, some leadership positions are revoked when a student is placed on probation (e.g., RA, SGA



elected position, Student Activities, Admission, and PAC positions). Also, if a student is placed on University Probation, the student becomes ineligible for International Programs during the probation period. This includes applying, remaining in the queue, or attending a program.

- c) **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially on athletic teams or performing groups, participation in the housing lottery, or use of specific University facilities, computer systems, equipment, or services.
- d) **Fines:** Payment of charges for violation of regulations. These charges will be added to a student's account.
- e) **Restitution:** Compensation for loss, damage or injury. Failure to pay such charges may result in additional sanctions (including, but not limited to, denial of re-enrollment or refusal to release official transcripts and records).
- f) **Educational Sanctions:** Mandatory work hours, reading/writing assignment, drug or alcohol assessment/treatment, seminar attendance, or other discretionary sanctions as deemed appropriate.
- g) **Dismissal from University Housing:** Loss of privilege to live in University housing. *In accordance with University housing policy, students required to live on campus who are dismissed from University housing may be dismissed from Pepperdine University. Any student dismissed from the residential community prior to the end of the contractual period may be responsible for any remaining monetary charges, as well as ineligible for reimbursement for any charges already paid.*
- h) **Suspension:** Temporary separation of the student from Pepperdine University for a definite period of time, after which the student is eligible to return without re-applying through the Office of Admission, unless the student is absent for two or more academic years, which does require re-application and readmission by the Office of Admission, as is the case for all students. Conditions for readmission may be specified.
- i) **Expulsion:** Temporary separation of the student from Pepperdine University for a definite period of time, but not less than two semesters, after which the student must re-apply through the Office of Admission and be granted acceptance before becoming eligible for re-enrollment at the University. Conditions for readmission may be specified, but the student is not guaranteed readmission.
- j) **Dismissal:** Permanent separation of the student from Pepperdine University. The student is dismissed from the University and is permanently ineligible to re-enroll at the University at any time in the future.

*When students are dismissed, expelled, or suspended for disciplinary reasons, there will be no refund of tuition or room charges for the semester and all financial assistance for subsequent semesters will be reviewed and is subject to cancellation.*

### Standard Sanctions

Standard sanctions are consistent University responses to specific violations of the Code of Conduct. Although sanctions are not assigned until a student’s case is heard, these sanctions constitute the minimum consequences a student can expect. We hope that prior notice of these standard sanctions will encourage students to avoid behaviors that lead to serious consequences.

Standard sanctions apply only to those offenses described on the following table. Other types of incidents are handled on a case-by-case basis.

Standard sanctions do not apply when:

- a) a student engages in multiple violations in a single incident;
- b) a student has a disciplinary history, regardless of whether past violations are related to the current violation;
- c) an incident presents unusually serious circumstances, risks to persons or property, or other complex concerns.

In these situations, the appropriate sanctions are determined on a case-by-case basis in light of all the circumstances. Generally, these situations result in sanctions in excess of the standard sanction.

The standard sanctions are rarely reduced. However, the presence of substantial mitigating or other appropriate circumstances may result in the reduction of a standard sanction at the discretion of the assistant dean of students, the Student Disciplinary Committee, or the dean of students.

<b>Category</b>	<b>First Violation</b>	<b>Second Violation</b>	<b>Third Violation</b>
<b>Visitation</b>	Warning; or University probation if visitation occurs significantly over visitation time or evidence that person of opposite gender has spent the night.	University probation or second warning indicating that further visitation violations will result in removal from residential community	Suspension or removal from residential community
<b>Consumption or possession of alcoholic beverages or possession of empty containers of alcohol on</b>	University probation and completion of alcohol education program	Suspension	To Be Determined (TBD)

<b>campus</b>			
<b>Underage consumption of alcohol (on or off campus)</b>	University probation and alcohol education program	Suspension	TBD
<b>Drunkenness</b> (on or off campus)	University probation, alcohol assessment and education programs	Suspension	TBD
<b>Driving a motor vehicle while under the influence of alcohol or a controlled substance</b>	Suspension, completion of alcohol/ drug assessment and/or education programs; possible dismissal	Dismissal	N/A
<b>Use or possession of marijuana, other illegal drugs, or drug paraphernalia</b>	Suspension, drug assessment and education programs and reflective paper on drug abuse	TBD	TBD
<b>Dishonesty in any form*</b>  (including possession of a fake ID or convocation/ chapel dishonesty**)	University probation and reflective paper on ethics	Suspension	Dismissal

All Sanctions listed above are the minimum sanctions imposed. Should a student have a disciplinary history, regardless if past violations are unrelated to current violations, sanctions imposed will be more severe. The standard sanctions rarely are reduced. However, the presence of substantial mitigating or other appropriate circumstances may result in the reduction of a standard sanction at the discretion of the assistant dean of students, the Student Disciplinary Committee, or the dean of students.

\*Academic dishonesty is adjudicated through the Academic Integrity Committee. *See the Code of Academic Integrity.*

\*\*Presenting another student's ID card or having another student present your card for chapel/convocation credit.

## 9. FORFEITURE OF FINANCIAL ASSISTANCE

Every student who has accepted a scholarship, loan, fellowship, grant-in-aid, or any other financial assistance by the University or the state is deemed to have agreed to observe the rules and regulations of the University. The University shall review the record of each recipient of financial assistance who has been placed on University disciplinary probation, suspended, expelled, or dismissed from the University, or arrested and convicted as a result of a violation of University policy. In such cases students who have accordingly violated the student Code of Conduct as outlined in the Student Handbook may forfeit their financial assistance. For further information regarding this policy, please contact the Office of Financial Assistance.

## 10. SANCTIONS FOR STUDENT ORGANIZATIONS

Student groups and organizations may be charged with violations of this Code of Conduct. A student group or organization may be held collectively responsible when violations of this code occur either during an event sponsored by the organization. Sanctions that may be imposed upon groups or organizations include but are not limited to deactivation, warning, reprimand, probation, fines, loss of privileges, restitution, and other educational sanctions. Deactivation includes loss of all privileges, including University recognition, for a specified period of time. *See the Student Organizations Handbook for additional information.*

## 11. INTERIM SUSPENSION

In certain circumstances, the dean of students or a designee may impose a University or residence hall suspension prior to a meeting with the Student Disciplinary Committee. Interim suspension may be imposed only: a) to ensure the safety and well being of members of the University community or preservation of University property; or b) if the student poses a definite threat of disruption of, or interference with, the normal operations of the University. During the interim suspension, the student will be denied access to the residence halls and/ or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the dean of students or the designee may determine to be appropriate.

## 12. APPEALS PROCESS

The University has implemented procedures for student appeals with the intent of assuring fundamental fairness. Students who believe they were not treated fairly in the disciplinary process can submit a written appeal to the dean of students. The appeal letter must be submitted within seven calendar days of the issuance of the sanction.

The written appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the decision or an appeal for mercy is not an appropriate basis for an appeal. The written appeal must specifically address at least one of the following criteria:

- a. Insufficient evidence to support the decision.
- b. New evidence or facts not known to the student at the time of the hearing.
- c. Procedural irregularity that undermined the student's ability to present a defense.
- d. Inappropriateness of the sanction for the violation of the Code of Conduct.

Generally the appellate process does not require a hearing, nor does it require the dean of students to make personal contact with the student or the Student Disciplinary Committee. The dean may, but is not required to, convene an ad hoc appeals committee to assist in making a recommendation to the dean regarding the appeal.

The dean may affirm, reverse, or modify the sanction. The dean may also return the case to the assistant dean of students or Student Disciplinary Committee for further consideration. The dean of students' decision shall be final and effective immediately. In the event of extenuating circumstances the dean of students may refer the appeal to the dean of Seaver College.

L. Athletic Department Alcohol Policy. Pepperdine University's Athletic Department maintains policies regarding alcohol and drug use and distributes these policies to students in accordance with NCAA guidelines.

### **III. University Compliance with Federal Legislation**

#### **A. Review of University Program and Policy**

Biennially, the University will review its alcohol and other drugs prevention program and this policy to determine the program's and policy's effectiveness, to implement changes if needed, and to ensure that the University's disciplinary sanctions are consistently enforced.

#### **B. Distribution of Written Policy**

To comply with Federal Mandates, all students enrolled during the fall semester receive a copy the student handbook which contains Pepperdine's policies regarding AOD use and abuse. Students beginning their studies at the university in Spring and Summer terms are provided the handbook at the time their studies commence. These policies are also accessible on the University's Judicial Affairs website. Annually, all staff and faculty are e-mailed a copy of the annual notification.

#### **C. Legal Sanctions**

State and federal legal sanctions for violations of drug and alcohol laws are detailed in the Student Handbook.

#### **D. Health Risks Associated with Illicit Drug Use and Alcohol Abuse**

As outlined in the Student Handbook, the use or abuse of alcohol and other drugs could increase the risk for a number of health-related and other medical, behavioral, and social problems. These include the acute health problems related to intoxication or overdose (blackouts, convulsions, coma, death); physical and psychological dependence; malnutrition; long-term health problems, including cirrhosis of the liver, organic brain damage, high blood pressure, heart disease, ulcers, and cancer of the liver, mouth, throat, and stomach; contracting diseases such as AIDS through the sharing of hypodermic needles; pregnancy problems including miscarriages, still birth and learning disabilities; fetal alcohol syndrome; psychological or psychiatric problems; diminished behaviors (hangovers, hallucinations, disorientation, slurred speech); unusual or inappropriate risk-taking, which may result in physical injury or death; violent behavior towards others, such as assault or rape; accidents caused by operating machinery while impaired; impaired driving resulting in alcohol or drug-related arrest, traffic accidents, injuries, and fatalities; negative effects on academic and work performance; conflicts with co-workers,

classmates, family, friends, and others; conduct problems resulting in disciplinary actions, including loss of employment; and legal problems including imprisonment.

### **E. Biennial Review**

The biennial review is conducted and written by The AOD Program Coordinator, who a full-time member of the Counseling Center staff. The primary purposes of the biennial review are to determine the effectiveness of the University's drug and alcohol programs and to ensure consistent enforcement of sanctions for drug and alcohol violations.

## **IV. Student Programs, Services and Related Statistics**

### **A. NCHA Survey**

**ACHA- National College Health Assessment (NCHA)** is a nationally recognized research survey that can assist in collecting precise data about college students' health habits, behaviors, and perceptions. While other health surveys of college students cover a single topic area, the ACHA-NCHA measures a range of health issues, including: Alcohol, tobacco, and other drug use; sexual health; weight, nutrition, and exercise; mental health; and personal safety and violence. The NCHA was completed by 545 Pepperdine undergraduate students in the Spring of 2009.

### **Binge drinking (over a two-week period)**

Binge drinking rates (5 or more drinks in a sitting for both males and females) (as reported within the last two week period) of Pepperdine students, were lower than the national average. Male rates of binge drinking 1-2 times/month were comparable to national averages, however Pepperdine men's frequency of binge drinking 3 or more times/month was significantly lower than the national average.

	<b>Pepperdine</b>			<b>National</b>		
	<b>% Male</b>	<b>% Female</b>	<b>% Total</b>	<b>% Male</b>	<b>% Female</b>	<b>% Total</b>
Number of binges in 2 weeks						
None	63.1	80.1	72.6	54.1	68.4	63.4
1-2 times	22.7	15.6	18.8	26	22.3	23.5
3-5 times	10.9	4.3	7.2	15	7.8	10.3
6 or more times	3.4	0.0	1.5	4.9	1.5	2.8

### **30-Day Alcohol Use:**

Fewer Pepperdine students reported having never used within the last 30 days (or ever) compared to the National average of other universities. Overall alcohol consumption was

lower among Pepperdine students than the National average across the different frequencies of use.

Frequency of Alcohol Use	Pepperdine			National		
	% Male	% Female	% Total	% Male	% Female	% Total
Never Used	23	19	23.7	17.7	23.2	18.3
Used, but not last 30 days	11.9	11.2	14.7	13.9	13.7	12.9
Used 1-9 days	45.5	48.4	48.7	54.9	47.3	52.4
Used 10-29 days	17.9	19.5	12.7	13.0	14.8	15.3
Used all 30 days	1.7	1.9	.3	.6	.9	1.1

### 30-Day Marijuana Use:

The overwhelming majority of Pepperdine students have not used marijuana ever or within the last 30 days, and at lower overall rates than the national average. Fewer Pepperdine students compared to the national average reported using marijuana 1-9 days over the last month. Higher frequencies (more than 10 days/month) of marijuana use are considerably lower among Pepperdine students than the national average.

	Pepperdine			National		
	% Male	% Female	% Total	% Male	% Female	% Total
Never Used	67.9	79	74.3	60.4	65.8	63.9
Used, but not in last 30 days	17.7	13.3	15.2	21.1	21.1	21
Used 1-9 days	11.8	4.7	7.8	10.7	9.4	9.8
Used 10-29 days	1.7	2.7	2.2	4.7	2.6	3.3
Used all 30 days	.8	.3	.6	3.1	1.2	1.9

### Drinking and Driving Behavior Within Last 30 Days

Although Pepperdine students binge drank and drove at significantly lower levels than the national average, the rates percentage of Pepperdine students who drank and drove after any alcohol use was similar to national averages.

	% Drive after Drinking	% Drive after Binging
Pepperdine Students	27.7	1.2
National	25.6	4.1



## **B. Drug and Alcohol Related Courses**

The following undergraduate courses directly or indirectly address the topic of alcohol and other drugs:

## **C. Program and Services**

### 1. Alcohol and Other Drug Taskforce

Established during the Spring of 2006, The Alcohol and Other Drug (AOD) Task Force, consisting of students, faculty and staff, provides guidance, oversight and balance on issues related to alcohol and other drug use and abuse. This committee meets 4-6 times/year to discuss alcohol and drug use on campus, evaluate current programming efforts, and make recommendations concerning policy and outreach strategies. The AOD Task Force has six goals:

- To encourage compliance with laws of the State of California and Pepperdine University policies;
- To confront attitudes on campus that promote or condone the abuse of alcohol or other drugs;
- To create a safety net of educated persons; students, faculty, and administrators who are able to respond to alcohol/drug issues;
- To mobilize resources within the College and the local community;
- To assess the incidents of use/abuse and to develop responses to those whose lives have been affected by alcohol and other substances; and,
- To review regularly University policies and procedures to ensure they are kept constant and remain effective.

The Taskforce is chaired by the Alcohol Education Coordinator (AEC), from the University's Counseling Center. The AEC is responsible for the cooperative agenda planning, goal setting, and program evaluation of university efforts related to alcohol and other drug education efforts. During the 06-07 school year, the AEC, with the assistance of the AOD Taskforce completed a comprehensive program review based on the CAS Standards.

### 2. Self-Help Groups (i.e., AA, NA, SMART meetings, ALANON)

The Counseling Center website contains links the websites of those organizations offering self-help meetings in the Malibu area. Malibu, known for its many inpatient AOD treatment centers, has a large number of self-help meetings each day of the week and within 10 minutes of campus.

The campus is exploring the idea of starting AA and ALANON meetings in the Spring of 2009. Efforts have already been made to secure space for these meetings as well as providing initial support for meeting materials.

### 3. Chaplain's Office

The Pepperdine Chaplain's office serves the spiritual needs of the university community and provides pastoral care to students, faculty, and staff. In serving students struggling with alcohol and drug abuse, the Chaplain's role is to help students identify and integrate their existing resources and relationships into addressing the causes of abuse, and to connect students with individuals and communities for support and recovery. The Chaplain is particularly attentive to the way a student views the use of drugs or alcohol in relationship to the inner life and their perception spiritual matters or religious traditions important to them. While offering prayer, pastoral care, and counsel to students seeking help in or recovering from drug and alcohol related life disruptions, the Chaplain also works to confidentially connect students with professionals best suited to handle psychological, behavioral, and physical issues related to substance abuse and addiction.

### 4. Counseling Center

Pepperdine's Counseling Center provides individual counseling for problems associated with alcohol and drug use. Students with more profound drug and alcohol problems are referred to community resources for more intensive treatment.

To better assess student's alcohol and drug use problems, the Counseling Center's intake forms and counseling sessions have included more questions about a student's past and present AOD use. The Counseling Center has also conducted a number of AOD assessments using the BASICS model, many of which are referrals from the Office of Judicial Affairs.

### 5. Office of Greek Affairs

Pepperdine supports four national fraternities and seven national sororities with a membership of approximately 800 students. Alcohol is forbidden at any Greek sponsored event, even in cases where members are over the age of 21. All Greek members must abide by the Alcohol and Other Drug guidelines set forth by Pepperdine University. Hazing of any kind is prohibited, included hazing rituals that include the use of alcohol and other drugs.

### 6. Office of Housing and Community Living

The possession and consumption of alcohol is not allowed for any residents regardless of their age. The use of illicit drugs is strictly prohibited. Violations of the University's alcohol and other drug are sanctioned with each every occurrence.

Professional and student HCL staff members are required to participate in training on college substance abuse issues and how to respond to students who are using and abusing AODs. The orientation program includes, but is not limited to, presentations the office of Judicial Affairs, Office of Public Safety and the Counseling Center.

Professional and student HCL staff members facilitate meetings with their residents each year to discuss the management of personal safety. Drug and alcohol issues are included in these discussions.

Housing and Community living staff members occasionally put on educational programs involving drug and alcohol awareness and education. These are typically collaborative efforts between HCL staff, the Counseling Center, or the Health Center.

#### 7. Office of Intercollegiate Athletics

Many of Pepperdine's teams participate in AOD programming efforts conducted by University medical or counseling staff member or outside specialists in the AOD prevention field. Athletic Department staff members and coaches also participated in a training from the Counseling Center staff on mental health and AOD issues in the Fall of 2008.

#### 8. Office of Judicial Affairs

The Office of Judicial Affairs provides disciplinary sanctions to those students whose behavior has not met the student code of conduct. Occasionally such behavior is related to substance abuse concerns. When this is the case, students are required to complete a combination of on-line educational programs, as well as an assessment from one of the Counseling Center staff members.

#### 9. New Student Orientation

New Student Orientation is designed for new students and their parents. All new students to Pepperdine are required to take and pass a comprehensive on-line alcohol education course. This course includes both alcohol education and personal feedback about a student's alcohol consumption.

During new student orientation sessions, various staff members address first year and transfer students to discuss alcohol related issues, as well as information on how to seek assistance personally or for a friend struggling with an AOD problem. Many parents also attend orientation sessions where they are provided with information on college AOD problems and who to call if they suspect their student is struggling with AOD concerns.

#### 10. Office of Student Activities

The Office of Student Activities consists of a variety of departments that include; Convocation/Chapel Office, Campus Recreation, Intercultural Affairs, Student

Organizations, Student-Led Ministries, Leadership Education and Development (LEAD) and the Student Programming Board. Each department offers a large number of alcohol-free weeknight and weekend activities.

## 11. Sexual Assault Policy and Counseling Services

As stated in our mission, Pepperdine is a Christian University committed to the highest standards of academic excellence and Christian values. One of these values is the recognition that every person is created in the image of God, is of infinite value, and therefore, should be treated with dignity and respect. Sexual assault, in all forms, violates the sanctity of the human body and spirit and will not be tolerated within our community. Sexual assault is a violation of the University's Code of Conduct, as well as a violation of the law.

In an effort to reduce the risk of sexual assault occurring among its students, the University provides awareness and prevention programming. These outreach efforts are coordinated through the Counseling Center. For information, call 506-4210 or visit the Web site: [www.pepperdine.edu/counselingcenter/sexualassaultresource](http://www.pepperdine.edu/counselingcenter/sexualassaultresource). This site also includes additional resources and frequently asked questions about sexual assault.

In the tragic event that a sexual assault does occur, the University takes the matter very seriously. A student who is found to have committed sexual assault on or off campus is subject to immediate suspension, expulsion, or dismissal from Pepperdine. A student wishing to officially report such an incident may do so by contacting the Dean of Student Affairs Office (506-4472) or the Department of Public Safety (506-4700). Anyone with knowledge about a sexual assault is encouraged to report it immediately.

### **Definition of Sexual Assault**

Sexual assault is a general term that covers a broad range of inappropriate and unlawful conduct, including rape. As defined under California law, rape is nonconsensual sexual intercourse that involves the use or threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Sexual intercourse is considered nonconsensual, and therefore rape, when the person: 1) is a minor (age 17 or under); 2) has a mental disorder or developmental or physical disability that renders her or him incapable of giving consent; 3) is unconscious; or 4) is incapable of giving consent because she or he is incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known by the accused. "Incapacitated" means intoxicated to the point that the person is incapable of exercising the judgment required to decide whether to consent.

Other examples of sexual assault include the following *nonconsensual* acts: oral copulation, anal intercourse, penetration of the anal or vaginal area with a foreign object, including a finger. Sexual assault may also include the act of touching a person's intimate parts, or the clothing covering the immediate area of those parts, or forcing a person to touch another's intimate parts.

## **If You Are Sexually Assaulted**

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call Public Safety at 506-4441 if you are on campus or 911 if you are off campus.
2. Consider securing immediate professional support to assist you in the crisis. You can consider on- or off-campus options:
  - During office hours, you may access the Pepperdine Counseling Center (506-4210), the Pepperdine Health Center (506-4316), or the Santa Monica Rape Treatment Center (310) 319-4000.
  - After hours, if you live on-campus, your RA, SLA, Resident Director, or Public Safety (506-4441) can typically help you reach a confidential Pepperdine University counselor.
  - After hours, if you live off-campus or live on-campus but prefer to use off-campus options, call the Santa Monica Rape Treatment Center's 24-hour hotline: (310) 319-4000. When contacting SMRTC, please let them know if you are in need of transportation to and from the center, as free options are available.
3. For your safety and well being, immediate medical attention is encouraged to evaluate for physical injury, sexually transmitted diseases, and pregnancy. Further, being examined as soon as possible, ideally within 72 hours, is important for evidence collection, which may be used to support prosecution should you decide immediately or later to pursue criminal charges. The Santa Monica Rape Treatment Center will arrange for a specific medical examination at no charge. To preserve evidence, it is best that you do not bathe, shower, douche, or change clothes before that exam. Even if you have already bathed, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens, or unlaundered clothing and any other pertinent articles which may be used for evidence.
4. Even after the immediate crisis has passed, consider seeking support from the Pepperdine Counseling Center or the Santa Monica Rape Treatment Center.
5. Contact the Dean of Student Affairs Office (506-4472) if you need assistance with University-related concerns, including academic issues (e.g., missed classes or exams; requesting extensions regarding coursework) or on-campus housing issues (e.g., requesting that the student who you believe assaulted you be moved or that you be moved to a different residence hall).

## **Reporting a Sexual Assault**

Making the decision whether or not to report a sexual assault is the beginning of the process by which victims regain control over their lives. Though the reporting and judicial processes can be difficult, they are often worth the effort because victims feel empowered by bringing the assailant to justice. Reporting a sexual assault may also help to establish precedents that will aid other victims in the future.

Some students will choose to pursue criminal charges (i.e., through the police and criminal courts). Others will choose to pursue University judicial options, if the offender is a Pepperdine student. Some will choose both. Civil litigation is a third option that some victims choose. It is important that you understand your options as you make these decisions. Speaking confidentially with a counselor from the Pepperdine University Counseling Center or the Santa Monica Rape Treatment Center may be helpful as you decide how you would like to proceed.

For help in reporting the offense to local law enforcement, call the Department of Public Safety (506-4700). It is important to understand that reporting the incident does not obligate the victim to press criminal charges. To pursue disciplinary action through the University, please contact the Dean of Student Affairs Office (506-4472).

If the alleged assailant is identified by the victim or another source, the Department of Public Safety will collaborate with local law enforcement in conducting an investigation. Support of the victim is the University's highest priority in these matters; therefore, the victim's wishes will always be taken into consideration. There are also community safety issues to be considered. Thus, if the offending student is perceived to be a potential threat to the victim or other students, the University may choose disciplinary action against the alleged offender regardless of whether the victim submits or wishes to pursue a complaint.

### **Immunity for Victims**

Pepperdine encourages the reporting of sexual assault. Sometimes, victims are hesitant to report to college officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. To encourage reporting, Pepperdine offers victims immunity from policy violations related to the sexual assault.

### **Immunity for Good Samaritans**

Pepperdine encourages students to offer help and assistance to other students in need, both on- and off-campus. The welfare of students in our community is of paramount importance. Sometimes, students are hesitant to offer assistance to other students for fear that they themselves may be charged with policy violations (for example, a student who has been drinking underage might hesitate to get help from Public Safety or an RA for someone who may be suffering from alcohol poisoning, or might be hesitant to provide important information about a sexual assault incident). Students who seek assistance for a student in need will receive immunity from alcohol policy violations related to the incident. This immunity from disciplinary action applies to both the "Good Samaritan" and the student needing assistance.

### **University Disciplinary Hearings**

Persons accused of sexual assault will be subject to disciplinary proceedings, following the procedures set forth under the “Judicial Procedures” section of the Student Handbook, except for the composition of the disciplinary committee. In response to requests from students to address sexual assault issues in a more confidential manner, the disciplinary committee will include only faculty and staff members, with a balance of both male and female members.

The University’s actions are not dependent on the initiation or outcome of criminal charges. Disciplinary proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

The reporting party and the accused are entitled to the same opportunities during a campus disciplinary proceeding. At the hearing, both parties will be allowed to have an advisor present, and may make an impact statement if they so desire. Both parties will be informed of the outcome of any disciplinary proceeding alleging sexual assault.

If the dean of students or designee determines that continued close proximity or potential for unwanted interaction with the alleged offender may pose a threat to the victim, a temporary order may be issued. This order may include alternative living arrangements, exclusion of the alleged offender from various University properties or privileges, or interim suspension of the accused, pending a hearing.

## 12. Office of International Programs

Many Pepperdine students participate in one of the study abroad programs offered through the Office for International Programs. To be eligible to participate in these programs, students cannot be on probation for an alcohol violation at the time they apply. Since the majority of Pepperdine students choose to study abroad during their 2<sup>nd</sup> year at Pepperdine this provides extra incentive for students to not break the alcohol policy during their 1<sup>st</sup> year at the University. Before heading to an international program, students are required to participate in an on-line self-evaluation of their alcohol use. Resident advisors in the international programs are provided with special education around AOD issues during their training program.

## 13. Student Health Center

The Student Health Center (SHC) utilizes a Health Questionnaire for all new patients. This questionnaire asks several questions relating to alcohol and other drugs that can be correlated to the National College Health Assessment Survey. In addition, the SHC focus on other etiologies for patients who come in with a variety of medical complaints that might be related to stress or to ETOH/drug use. If the patient has abnormal lab results, there also may be a correlation to AOD use. The SHC provides "lifestyle " counseling both for a variety of medical complaints that patients present with, but also during outreach programming, i.e. freshman seminars, dorm talks, etc. In house educational material is available for students, and there is an active referral program to the SCC.

## 14. Student Recreation

The Student Recreation department provides students with an opportunity to improve their wellness while engaged in a social settings where AODs are prohibited. We offer a comprehensive recreation program that promotes personal enrichment, learning, and development through cooperative and competitive play, instructional and group fitness classes, special events, cardiovascular and strength training, outdoor education, and educational workshops.

## 15. Public Safety

Assistance is requested from Public Safety when: a student is believed to possess a substance other than alcohol; a student is uncooperative; a student has previously violated a University drug or alcohol policy; or a serious criminal act has been committed.

The University maintains crime statistics for each calendar year. Crime statistics can be found on the Public Safety website at <http://www.pepperdine.edu/publicsafety/department/safety/>

In addition to maintaining the safety and security of the campus, the Office of Public Safety also offers the **Safe Ride Program**. This program was developed in cooperation with the Seaver College Dean of Student Affairs to discourage driving under the influence of alcohol. Students should call the Department of Public Safety when concerned about a driving or being a passenger in a vehicle operated by an impaired driver. Appropriate arrangements will be made based on the situation.

## VII. Summary

### A. Federal Compliance

Pepperdine University certified that it has adopted and implemented a program to prevent "the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" on campus property or as part of any campus activity. Additionally, the University has:

- developed a written policy on alcohol and other drugs;
- implemented a process that ensures policy distribution to all students, staff and faculty;
- enumerated health risks associated with alcohol abuse and illicit drug use;
- described federal, state and local sanctions for unlawful possession or distribution of illicit drugs and alcohol;
- designed and implemented drug and alcohol programs on campus;
- specified disciplinary sanctions imposed on students and employees for policy violations;



- and conducted its first biennial review of the effectiveness of its drug and alcohol programs.

## **B. Analysis of Findings**

The evaluation process revealed a number of findings worth noting. A summary of these findings are listed below.

*Program Assessment:* Findings indicate that Pepperdine's AOD program is heading in the right direction. The development of practices in line with NIAAA standards support this notion. A structured, campus-wide collaborative plan for addressing AOD problems among students appears to be now underway among individual departments, but is still working towards more intentional integration. Developing and implementing strategies specifically targeting student learning and outcome goals needs further attention. Although data has been gathered over the years by utilizing nationally recognized surveys, the utilization of this data in developing goals and strategies to address AOD related concerns among students has been limited.

*Binge Drinking:* Over the past decade the university has primarily relied on Harvard CAS data to evaluate student norms around binge drinking. At face value, binge drinking rates have been relatively stable since the mid-90's.

Particularly noteworthy among the binge-drinking findings from this 2009 data, was the fact that certain groups of Pepperdine students appear to be binge-drinking at significantly higher rates than other students. Specifically, males in general, student-athletes, students belonging to Greek organizations, and students who reside off-campus are reporting rates of binge-drinking that far exceed their comparison groups. Unfortunately, this data is consistent with national norms. Despite these concerns, according to the most recent NCHA data, Pepperdine students overall do appear to be binge drinking at rates significantly lower than the national average.

*Academic Impact of AOD Use:* The academic impact of AOD use was also explored. Students in their 2<sup>nd</sup> year at Pepperdine reported the most academic impact from alcohol use. Students in Greek letter organizations comprised another subgroup with particularly high academic impact rates. Athletes, although they reported the highest rates of binge drinking, overall, did not report that their drinking behavior particularly impacted their academic performance. Those men and women impacted most significantly academically from drug use were fraternity and sorority members. On a positive note, Pepperdine students do not appear to be having their academic performance impacted by alcohol and drug use as much as students at other universities.

*Marijuana and Cigarette Use:* Cigarette and Marijuana usage rates appear to be decreasing at Pepperdine and are lower than national averages compared to other universities. With the exception of 2001 data, there has been a significant downward trend in the use of cigarettes, marijuana, and other drug use at Pepperdine. NCHA

data suggests that 30-day usage rates of marijuana are significantly lower than national averages as well. Although these numbers are low, there are still a number of students impacted by these behaviors. Students reported in focus groups that they think the universities strict policies around drug and alcohol use may prevent students who genuinely have a problem from coming forward to get help.

*Environmental Issues:* A lack of classes on Wednesday morning probably contributes to higher levels of drinking on Tuesday evenings. Students in international programs are another concern found, especially given the relatively young age at which so many students are moving from an environment with strict environmental controls to environments where drinking is legal and the perception of students is that staff at these programs have a more lenient view of drinking alcohol.

Finally, the university clearly has sub-groups of students who are demonstrating higher risk behaviors around alcohol use. Fraternity and Sorority members, student-athletes, and students who reside off-campus are clearly groups who are demonstrating higher levels of at risk drinking. This data is quite consistent with data from other universities and should be strongly considered in developed targeted prevention programs with these groups. Efforts should be made to help professional staff and student leaders overseeing these student groups develop comprehensive strategies to reduce at risk behaviors and identify and refer students struggling with AOD related issues to appropriate assessment and treatment services.

### **C. Goals for Next Biennium**

Pepperdine University's AOD program, although still evolving, has made many positive strides over the past several years. During the next biennium, several "next steps" have been identified and are listed below:

1. Increase efforts to provide targeted prevention and intervention programs students within high-risk groups, such as fraternities/ sororities, student-athletes, and male students, and students living in off-campus housing. Although it continues to be important to provide significant programming opportunities for first year students, the data would also suggest that programming should also target students during the entire duration of a student's experience at Pepperdine.
2. The AOD program Coordinator, in conjunction with the AOD Task Force, should develop a yearly programming plan that is linked to student learning and development outcomes recommended by the Council for the Advancement of Standards within Higher Education and aligned with the NIAAA three-tiered approach.
3. The Campus-Wide AOD Task Force should be expanded to include other higher level administrators, especially from departments outside of student affairs. Consideration should be given to having someone within higher level

administration chair this task force. The Task Force should also include leaders from key student organizations.

4. Faculty education and curriculum infusion should be encouraged by academic deans and supported by AOD programming staff. The university should consider promoting practices found in the Higher Education Center Alcohol and Drug Prevention's publication titled, *Making the Link: Faculty and Prevention*.