



PALMER
College of Chiropractic

The Trusted Leader in Chiropractic Education®

December 31, 2018

Biennial Review

Compliance with Drug Free Schools and Campuses Regulations

For years 2016-2017

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CHAPTER 1: INTRODUCTION

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act of 1989 (DFSCA) require an institution of higher education (IHE) such as Palmer College of Chiropractic to certify it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by its students and employees both on its premises and as a part of any of its activities. The term “College” as used throughout this report refers to the entire unit of Palmer College of Chiropractic, including operations on the Davenport, Iowa, campus; the San Jose, California campus; and the Port Orange, Florida, campus.

At a minimum, each institution of higher education must annually distribute the following in writing to all students and employees:

- > Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
- > A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- > A description of any drug or alcohol counseling, treatment, or rehabilitation programs that are available to students or employees; and
- > A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

The College acknowledges its obligation to conduct a biennial review of compliance with the Drug Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the College fulfills the requirements of these Federal regulations. The intention of this document is to meet the legal requirements of conducting a biennial review and summarize the programs and activities related to alcohol and drug prevention on the Palmer College of Chiropractic’s three campuses between 2016 and 2017. The biennial review has following objectives:

- > Determining the effectiveness of the policy and implementing changes to the alcohol and other drug programs if they are needed;
- > Ensuring that the sanctions developed are enforced consistently;
- > Determining the number of drug-and alcohol-related violations and fatalities occurring on the College campus or as part of College activities that are reported to College officials; and
- > Determining the number and types of sanctions the College imposes on students or employees as a result of such violations or fatalities.

The following College departments provide information for the biennial report:

- > Student Services Department
- > Safety and Security Department
- > Office of Compliance

CHAPTER 2: COMPLIANCE WITH THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT

Palmer College of Chiropractic is committed to maintaining an environment conducive to the intellectual and personal development of students and to the safety and welfare of all members of the College community. Further, the College recognizes the inherent risks to the total College community associated with alcohol and other drug abuse. As such, the College has published educational information and established a policy and associated processes to:

- > Promote a safe, healthy and learning-conducive environment and productive workplace;
- > Develop, disseminate, interpret and support the enforcement of College policies and processes that are consistent with local, state, and federal law;
- > Foster awareness about and prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on College premises or at College-related activities or service functions on or off College premises or at non-College activities on College premises that adversely affect the College community and/or the pursuit of its objectives;
- > Promote healthy choices concerning the use of alcohol and other drugs, emphasizing the elimination of illegal use, high-risk behavior, harmful use, and related violence; and
- > Provide information about available intervention, evaluation, referrals, and treatment services.

The College continues to comply with the requirements of the Drug-Free Schools and Communities Act and has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs by its students and employees as demonstrated by this biennial review. The College maintains written policies on alcohol and other drugs and distributes this policy to every student and employee.

The written materials are annually distributed by Federal mandate and contain the following information:

- > Standards of conduct that clearly prohibit unlawful manufacture, possession, use, or distribution of illicit drugs and alcohol on College property or as a part of College activities
- > A description of the health risks associated with the use of illicit drugs and abuse of alcohol
- > A description of applicable legal sanctions under Local, State, and/or Federal law
- > A description of counseling, treatment, and rehabilitation programs
- > A clear statement and description of the disciplinary sanctions the institution will impose on students and employees.

As a part of the biennial review, the following data, resources, and programs were examined:

- > “Complying with The Drug-Free Schools and Campuses Regulations (EDGAR Part 86), A Guide for University and Campus Regulations” a publication of the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention
- > The 1998 amendments to the Higher Education Act of 1965 (P.L. 105-244)
- > The Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226)
- > Federal Student Aid (FSA) Handbook for financial aid administrators
- > Drug-Free Workplace Act of 1988
- > National Institute on Alcohol Abuse and Alcoholism, Alcohol Policy
- > U.S. Department of Justice, Drug Enforcement Administration, “Drugs of Abuse” 2015 Edition
- > Palmer College of Chiropractic Annual Security and Fire Safety Report
- > Palmer College of Chiropractic 2016-2017 Catalog
- > Palmer College of Chiropractic Student Handbook (Code of Ethics)
- > Palmer College of Chiropractic Student Clubs and Activities Handbook
- > Palmer College of Chiropractic Student Orientation Training PowerPoint slideshow
- > Palmer College of Chiropractic Staff Handbook
- > Palmer College of Chiropractic Institutional Policy for Drug and Alcohol Abuse
- > Palmer College of Chiropractic annual crime statistics
- > Alcohol and other drug policy documents distributed to all faculty, staff, and students at all three campuses
- > Summary review of the drug and alcohol educational programs provided to faculty, staff, and students at all three campuses
- > Davenport, Iowa Municipal Code
- > San Jose, California Code of Ordinances
- > Port Orange, Florida Code of Ordinances
- > Scott County, Iowa Code of Ordinances
- > Santa Clara County, California Code of Ordinances
- > Volusia County, Florida Code of Ordinances
- > State of Iowa Code
- > State of California Code of Regulations
- > State of Florida Statutes

The Federally Mandated Policy about alcohol and other drugs is distributed to each staff member and student as follows:

- > A reference to the Palmer College of Chiropractic Institutional Policy for Drug and Alcohol Abuse is included in the Employee Handbook that all new employees (faculty and staff) receive during orientation.
- > A reference to the Palmer College of Chiropractic Institutional Policy for Drug and Alcohol Abuse and the entire Student Code of Ethics are included in the student handbook. Information is also included in new student online compliance training.

Palmer College's drug and alcohol abuse and prevention program and related policies will be reviewed every two years for compliance and effectiveness. The materials developed pursuant to these policies and the results of the biennial review will be reported to the Palmer College Provost, Chancellor, and Board of Trustees, and will be made available upon request and to the Secretary of Education if the College is chosen in a random selection by the Secretary for determination of compliance.

Oversight Responsibility

The Senior Director of Safety and Security shall serve as the main contact that will have oversight responsibility of the biennial review including, but not limited to: updates, coordination of required information, and coordination of the annual notification to employees and students and the biennial review.

CHAPTER 3: PALMER COLLEGE DRUG AND ALCOHOL POLICIES

Institutional Policy: Drug and Alcohol Use

Palmer College of Chiropractic recognizes the inherent risks to the total College community associated with alcohol and other drug abuse. The College is committed to maintaining an environment conducive to the intellectual and personal development of students and to the safety and welfare of all members of the College community. As such, the College has published educational information and established a policy and associated rules to:

- > Foster awareness about and prevent the unlawful possession, use or distribution of illicit drugs and alcohol by all students and employees on College premises or at College related activities or service functions on or off College premises or at non-College activities on College premises that adversely affect the College community and/or the pursuit of its objectives;
- > Develop, disseminate, interpret and support the enforcement of College policies and rules that are consistent with local, state and federal law;
- > Promote healthy choices concerning the use of alcohol and other drugs, emphasizing the elimination of illegal use, high-risk behavior, harmful use and related violence;
- > Promote a safe, healthy and learning-conducive environment and productive workplace; and Provide information about available intervention, evaluation, referral and treatment services.

SCOPE

This policy applies to the entire College community and third parties.

DEFINITIONS

N/A

ADMINISTRATIVE RULES

Use of Drugs or Alcohol

The College strictly prohibits the unlawful manufacture, sale, distribution, dispensing, possession, solicitation or use of alcohol or controlled substances. Additionally, the College limits the presence, use, consumption, possession, sale, manufacturing, solicitation or distribution of alcohol by students, employees or visitors to approved activities. At no time is any individual under legal drinking age or who is operating institution vehicles, machinery or equipment allowed to possess, use or consume alcohol. At no time is abuse of alcohol permissible.

Fit for Duty

All employees and students are to report to work/school in a mentally and physically fit and safe condition. Employees must report to their supervisor any health situation or use of prescription and/or non-prescription medications which may inhibit the ability to perform his/her required job duties. Any employee regarded as unfit for duty for any reason may not be permitted to work or may be temporarily reassigned until it is determined that said employee is free from impairment and fit and able for duty.

Any student reporting to class under the influence or discovered to be under the influence of alcohol or non-prescribed drugs, during the work/school day may be asked to leave the premises.

Requirement for Notification

Any employee who has been convicted of; pled guilty to; did not contest; forfeited bail; or was granted a deferred judgment to any drug or alcohol-related conduct under law or ordinance is to notify the institution in writing through Human Resources within five days of the applicable event. Failure to promptly report such violations may result in disciplinary action up to and including termination of employment.

Any student who has been convicted of; pled guilty to; did not contest; forfeited bail; or was granted a deferred judgment to any drug or alcohol-related conduct under law or ordinance is to notify the institution in writing through the Dean of Student Academic Affairs on the Davenport, Iowa and San Jose, California campuses and through the Director of Student Services on the Port Orange, Florida campus within five days of the applicable event. Failure to promptly report such violations may result in disciplinary action up to and including dismissal.

Education

The College provides drug and alcohol awareness information to students and employees. This will include the College's policy and associated rules on drug and alcohol abuse, information on the magnitude and dangers of drug and alcohol abuse and the availability of counseling and treatment through student and employee assistance programs. (Refer to the "Related Information" below and Chapter 5: Education).

AMENDMENT OF POLICY

The College reserves the right to amend this policy from time to time as the interests of the College may require.

STANDARD INSTITUTIONAL POLICY PROVISIONS

Institutional Policies are supplemented by provisions that are applicable to all institutional policies. It is the responsibility of all employees and students to know and comply with these standards.

- > [Standard Provisions Applicable to All Institutional Policies](#)

AMENDMENT OF POLICY

The College reserves the right to amend this policy from time to time as the interests of the College may require.

ASSOCIATED POLICIES, PROCESSES AND/OR PROCEDURES

This policy may be supplemented by division or department-specific policies, processes, and/or procedures that describe policy implementation practices. Such supplemental procedures may be obtained from, referenced in, and/or linked from, the relevant division or department. It is the responsibility of all employees and students to know and comply with any applicable processes and/or procedures.

POLICIES

N/A

PROCESSES/PROCEDURES

- > [Annual Security and Fire Safety Report](#)
- > [Emergency Action Plans](#)

FORMS/INSTRUCTIONS

- > [CSA Fact Gathering Form](#)

IMPORTANT CONTACTS

- > Davenport Campus
Human Resources
1000 Brady Street
Davenport, IA 52803
(563)884-5258
hr.dept.ia@palmer.edu

- > West Campus
Human Resources
1000 Brady Street
Davenport, IA 52803
(563)884-5258
hr.dept.ia@palmer.edu

- > Florida Campus
Human Resources
4777 City Center Parkway
Port Orange, FL 32129
(386)763-2665
hr.dept.fl@palmer.edu

- > Davenport Campus
Kevin Paustian, D.C., Ed.S.
Dean of Academic Affairs
Academic Affairs
(563) 884-5721
kevin.paustian@palmer.edu

- > West Campus
Greg Snow, D.C.
Dean of Academic Affairs
Academic Affairs
(408) 944-6050
thomas.souza@palmer.edu

- > Florida Campus
Jason Brewer, M.S.
Director of Student Services
Student Services
(386) 763-2781
jason.brewer@palmer.edu

- > [Student Academic Support Centers](#)
- > [Security](#)

RELATED INFORMATION

- > [Wellness Services Information](#)

Standard Provisions Applicable to All Institutional Policies

RESPONSIBILITIES

It is the responsibility of all employees and students to know and comply with this policy and all applicable laws and public ordinances. Further, employees and students are expected to review the proscribed conduct set forth in this policy, as well as, any associated division or department-specific procedures that describe policy implementation practices to ensure a clear understanding of the College's expectations.

DISCIPLINARY ACTION

An employee in violation of this policy may be subject to disciplinary action up to and including termination of employment and/or given the opportunity to participate in rehabilitative services at his or her own expense.

A student in violation of this policy may be subject to disciplinary action up to and including dismissal and/or given the opportunity to participate in rehabilitative services at his or her own expense.

REPORTING NONCOMPLIANCE, FILING A REPORT

Employees and Students

Employees, students, or any other member of the College community should report allegations of noncompliance with this policy to the Office of Institutional Compliance through one of the designated individuals named below.

College Officials:

Supervisors, managers, administrators, faculty, and all other College officials who witness; are directly advised of; or become aware of allegations of noncompliance with this policy are to immediately advise one of the designated individuals named below.

Earlye Adams Julien, PHR, M.S. Ed., CQIA
Senior Director Compliance
1000 Brady Street
Davenport, IA 52803
(563) 884-5476
earlye.julien@palmer.edu

Lori Larsen, B.A., Lead Coordinator
Also Serving as Compliance Coordinator
1000 Brady Street
Davenport, IA 52803
(563) 884-5246 or (800) 722-2586
lori.larsen@palmer.edu

Palmer College of Chiropractic, West Campus
Michael Crump, M.Ed., Director of Student Services
Also serving as Compliance Coordinator
Office of Student Academic Affairs
90 E. Tasman Drive
San Jose, CA 95134
(408) 944-6122
michael.crump@palmer.edu

Palmer College of Chiropractic, Florida Campus
Cheryl Shaw, M.B.A., PHR , Human Resources Manager
Also Serving as Compliance Coordinator
4777 City Center Parkway
Port Orange, FL 32129-4153
(386) 763-2665
cheryl.shaw@palmer.edu

CONFIDENTIALITY

The College shall maintain the confidentiality of the information they receive, except where disclosure is required by law, policy or is necessary to facilitate legitimate College processes, including the investigation and resolution of allegations.

The identity of participants in an investigation shall be maintained in confidence subject to the same limitations above.

Individuals who have reported questionable behavior or who have initiated or participated in the complaint procedures available are advised their identity may be known for reasons beyond the control of college officials or investigators.

REPORT CONTENT AND ANONYMITY

Because of the inherent difficulty in investigating and resolving allegations that are vague or from unidentified persons, the College encourages individuals to provide full information and identify themselves when making reports of improper conduct. However, should the College receive a generalized or anonymous report; such a report will be reviewed and investigated to the extent feasible.

Anonymous reports may be made online at: [Lighthouse Services](#)

RETALIATION

The College strictly prohibits retaliation or reprisal of any kind against an individual who has reported, attempted to report or provided information regarding potential violations of this policy or who has initiated or participated in the complaint procedures available or has otherwise been involved in the process of responding to, investigating or addressing allegations reported to the College.

Any person who attempts either directly, indirectly or through someone acting on another's behalf to intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, violate a College *No Contact Directive* or harass any person for reporting, attempting to report, or pursuing a complaint, or is a witness cooperating in a College investigation will be addressed by the College.

Allegations of retaliation shall constitute separate grounds upon which a complaint may be raised under this policy.

REPORTING FALSE CLAIMS

Any individual who makes a false report or claim under this policy shall be subject to disciplinary action up to and including termination.

INVESTIGATIONS

The College may determine an allegation of noncompliance with this policy requires an investigation. No one other than the appointed investigator will be allowed to conduct an investigation on behalf of the College. The College may impose any appropriate measures on an interim basis where there is a reasonable cause to believe that such action is needed for the health, safety or welfare of members of the College community or to avoid disruption to the work/educational environment. Such measures may include student suspension or employee administrative leave pending the outcome of an investigation.

VIOLATION OF LAW AND COLLEGE POLICIES

Noncompliance with the College's policies includes any behaviors covered under applicable laws. Individuals engaging in illegal activities may subject themselves to both College discipline and individual criminal penalties under the law.

Disciplinary proceedings may be instituted against an individual whose conduct potentially violates both the criminal law and the College's policies (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation. Proceedings under this policy may be carried out prior to, simultaneously with, or following a civil or criminal proceeding at the discretion of the Chief of Compliance or designee. Determinations made, or disciplinary actions imposed under this policy shall not be subject to change solely because criminal charges arising out of the same facts giving rise to violation of the College's policies were dismissed, reduced or resolved in favor of or against the criminal law defendant.

When a student or employee is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student or employee with the College. If the alleged offense is also being addressed under College policy, the College may advise legal authorities of the existence of the College's policies and how such matters are typically handled within the College processes.

AMENDMENT OF POLICY

The College reserves the right to amend this policy from time to time as the interest of the College may require.

Alcohol Use at College Events (Student Clubs and Activities Handbook)

The College limits the presence, use, consumption, possession, sale, manufacturing, solicitation or distribution of alcohol by students, employees or visitors to approved activities.

All student clubs and organizations or employee committees, organizations or other groups are required to obtain written approval to serve alcoholic beverages at any College-sponsored event. Written approval must be obtained at least 20 business days prior to the scheduled event from the following:

- > Davenport Campus - Vice Chancellor for Student Affairs
- > West Campus – President
- > Florida Campus – President

GUIDELINES: The following guidelines will govern all student events where alcoholic beverages are available:

- > The abuse of alcohol will not be tolerated at any College event.
- > All persons are obligated to abide by the laws of the state regarding the use and distribution of alcoholic beverages. Federal, state and local laws, as well as College procedures, guidelines, and regulations must be observed at all events where alcoholic beverages are served.
- > It is unlawful to serve alcoholic beverages to any individual under the legal drinking age of 21.
- > It is unlawful for any person under the legal age of 21 to consume alcohol.

- > Photographic proof of identification with a birthdate (driver's license, student ID or another photographic ID) is required as proper proof of age for all persons attending any approved College event where alcoholic beverages are served.
- > All persons of legal age to consume alcoholic beverages must be identified by a hand stamp (or other method of identification approved by the relevant College official above at all campus events and activities where alcoholic beverages have been approved, to be served.)
- > Outside organizations sponsoring events in the Palmer Alumni Auditorium where alcoholic beverages are served, must require proper proof of age, (a photo ID) and utilize an approved method of identifying persons eligible to consume alcoholic beverages; i.e., hand stamps, wristbands, etc.
- > Any type of alcoholic beverage used as an award or prize may not be consumed at the event at which the award or prize is presented and may be presented only to a person who is of legal drinking age.
- > No person who appears to be intoxicated will be served alcoholic beverages at a College event.
- > Alcohol shall not be used in ways that may be harmful to either an individual or the community.
- > Alcohol is not to be used to demean or degrade any person.
- > The promotion and utilization of alcohol in hazardous drinking activities; i.e., competitive drinking, "chugging," and other activities that employ peer pressure to force or persuade participants to consume alcohol, is prohibited.
- > Only a vendor holding a valid license must serve the alcohol. There are no exceptions to this, unless prior written approval is obtained from the relevant College official above.
- > Advertising to promote (or even suggest) the availability of alcoholic beverages at a College event is strictly prohibited.
- > Non-alcoholic beverages of equal quantity will be made available at all functions where alcoholic beverages are served.
- > Food must be served at all functions where alcoholic beverages are served. Such food services shall be free or at a nominal fee.
- > All sponsors and hosts of events where alcoholic beverages are served are to make arrangements to provide designated driver services or alternative supervised transportation and must either announce or post readily visible signs at the event to inform guests that such services are available.
- > At events where alcoholic beverages are served, the host group must make arrangements for appropriate security. Security is to include a member(s) of the host group as well as a faculty and/or staff representative.
- > Security professionals or police officers must be employed and on the premises during all events where alcoholic beverages are served. The number of security professionals or police officers required will be based on projected attendance.
- > Club and organization funding requests cannot be used to purchase alcohol on or off College premises. This includes any clubs budgeted under Student Services.

Alcohol cannot be purchased and distributed free of charge to members of any club or organization on College premises. There are no exceptions to this, unless prior written approval is obtained from the relevant College official above or the event is a College-wide event.

All student clubs and organizations registered by the College and third parties allowed to use College facilities must adhere to these guidelines. Any club or organization found to be in violation of the rules in this document may face suspension or loss of recognition as a College club or organization. Disciplinary action up to and including dismissal may be taken against individuals who are members of a club or organization found to be in violation.

Students Convicted of Possession or Sale of Drugs (Federal Student Aid (FSA) Handbook)

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for FSA funds. The student self-certifies in applying for aid that he is eligible; you're not required to confirm this unless you have conflicting information.

Convictions only count against a student for aid eligibility purposes (FAFSA question 23c) if they were for an offense that occurred during a period of enrollment for which the student was receiving federal student aid—they do not count if the offense was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge (see drug abuse hold sidebar). Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when she was a juvenile, unless she was tried as an adult.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

Table 1: Period of Ineligibility for FSA Funds After Conviction

	Possession of Illegal Drugs	Sale of Illegal Drugs
1 st Offense	1 year from date of conviction	2 years from date of conviction
2 nd Offense	2 years from date of conviction	Indefinite period
3+ Offenses	Indefinite period	

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period. Schools must provide each student who becomes ineligible for FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain eligibility after completing any of the following 3 options:

- > Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program);
- > Having the conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record; or
- > Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student's responsibility to certify to you that he/she has successfully completed the rehabilitation program; as with the conviction question on the FAFSA, you are not required to confirm the reported information unless you have conflicting information.

When a student regains eligibility during the award year, you may award Pell Grant, TEACH, and Campus-Based aid for the current payment period and Direct Loans for the period of enrollment.

STANDARDS FOR A QUALIFIED DRUG REHABILITATION PROGRAM.

A qualified drug rehabilitation program must include at least two un-announced drug tests and satisfy at least one of the following requirements:

- > Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- > Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- > Be administered or recognized by a federal, state, or local government agency or court.
- > Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

If you are counseling a student who will need to enter such a program, be sure to advise the student of these requirements. If a student certifies that he has successfully completed a drug rehabilitation program, but you have reason to believe that the program does not meet the requirements, you must find out if it does before paying the student any FSA funds.

INCARCERATED STUDENTS

A student is considered to be incarcerated if he/she is serving a criminal sentence in a federal or state penitentiary, prison, jail, reformatory, work farm, or similar correctional institution (whether it is operated by the government or a contractor). A student is not considered to be incarcerated, and is still potentially eligible for Pell, FSEOGs and FWS, but not Direct Loans, if he/she is in a halfway house, juvenile justice facility, a local or county jail, a local or county penitentiary or correctional facility, or is subject to home detention or is sentenced to serve only weekends. You may accept the student's written self-certification that he/she is no longer incarcerated.

Excerpts from the Student Code of Ethics (Student Handbook)

ARTICLE III: JURISDICTION OF THE STUDENT CODE OF ETHICS

The Code shall apply to conduct that occurs on College premises or at College-sponsored or College-related activities or service functions on or off College premises or at non-College activities on or off College premises that adversely affects the College Community and/or the pursuit of its objectives. This includes online activities. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The Code shall also apply to behavior occurring online, such as harassment delivered by email, or acts of bullying or discrimination posted in video form or on gossip sites accessed through College computing resources. Students must also be aware that information posted to blogs, webpages, social networking sites such as Twitter and Facebook, or other online postings are in the public sphere, and are not private. These postings can subject the student to a charge of misconduct, if information supporting or constituting misconduct is posted online. The College does not regularly monitor online activities, but may take action if and when such information is discovered.

ARTICLE IV: VIOLATION OF LAW AND STUDENT CODE OF ETHICS

While the activities covered by the laws of the larger community and those covered by College rules may overlap, it is important to note that the community's laws and the College's rules operate independently and that they do not substitute for each other. The College may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources (such as law enforcement agencies and the courts) to determine whether College rules have been broken.

Proceedings may be instituted against a student charged with misconduct that potentially violates both the criminal law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation.

Proceedings under this Code may be carried out prior to, simultaneously with, or following a civil or criminal proceeding at the discretion of the Coordinator.

Determinations made, or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student.

If the alleged offense is also being processed under the Code, the College may advise legal authorities of the existence of the Code and of how such matters are typically handled within the College community.

ARTICLE V: REPORTING VIOLATIONS OF LOCAL, STATE OR FEDERAL LAW

Students are expected to abide by local, state and federal laws. Any student who has been convicted of; pled guilty to; did not contest; forfeited bail; or was granted a deferred judgment to any criminal conduct under law or ordinance is to notify the institution. Such notification should be made in writing to any of the following within five calendar days:

DAVENPORT CAMPUS

Kevin Paustian, D.C., Ed.S., Dean of Academic Affairs
1000 Brady Street, Davenport, IA 52803
(563) 884-5721
kevin.paustian@palmer.edu

FLORIDA CAMPUS

Jason Brewer, Director of Student Services
4777 City Center Parkway, Port Orange, FL 32129
(386) 763-2783
jason.brewer@palmer.edu

WEST CAMPUS

Michael Crump, M.Ed., Director of Student Services
90 E. Tasman Drive, San Jose, CA 95134
(408) 944-6122
michael.crump@palmer.edu

This notification requirement excludes only minor traffic violations. Failure to promptly report may result in disciplinary action up to and including dismissal.

The institution may refer any student found in violation of local, state or federal law for prosecution. Any student referred for prosecution may be subject to legal action in addition to disciplinary action initiated by the institution. Such legal action may include criminal charges that can limit an individual's ability to obtain a license to practice chiropractic in certain states.

ARTICLE VI: MISCONDUCT – RULES AND REGULATIONS (EXCERPT)

The headings (such as A. Alcohol and Drugs) appearing in Article VI are for convenience only and are not a part of the Code and do not in any way limit or amplify the term “misconduct.” Misconduct may include any of the following, which is not intended to be an exhaustive list:

Part I. General

A. Alcohol and Drugs

1. Use, possession, manufacturing or distribution of drugs of abuse including, but not limited to, solvents; hallucinogens; narcotics; depressants; stimulants; or other controlled substances except as expressly permitted by law.
2. Use, possession, manufacturing or distribution of alcoholic beverages, except as expressly

permitted by law and College regulations, or public intoxication.

3. Providing alcoholic beverages, in any circumstance, to be used by, possessed by or distributed to any person under twenty-one (21) years of age.
4. Driving while under the influence of alcohol or any illegal substances.
5. Any other violation of the College's Drug and Alcohol Use Policy.

Excerpts from the Staff Handbook for all Campuses

INSTITUTIONAL POLICIES

Palmer College develops and enforces institutional policies to fully comply with Board policies, applicable laws and govern the operations of the College. Institutional policies provide specific rules and provisions for implementing Board of Trustees policies, aligning operations, communicating policy roles and responsibilities and setting expectations for operations across the College system.

The following Institutional Policies have been extracted from the Employee Handbook effective July 2017 and can now be found on the 'Office of Institutional Compliance and Quality Assurance' web page. This official repository shall serve as the point of contact for all Institutional Policies, processes and procedures providing a single location for Institutional Policies for the College Community.

(This list is not all-inclusive, as it will be periodically updated. Please refer directly to the below link for the most current list of Institutional Policies.)

- > Campus Violence
- > Communicable Disease
- > Drug and Alcohol Use
- > Employment of Relatives and Fraternalization
- > Equal Opportunity
- > Hazing
- > Health Insurance Portability and Accountability Act (HIPAA)
- > Policy Structure and Administration
- > Reasonable Accommodations and/or Academic Adjustments for Students with Disabilities
- > Reasonable Accommodations for Employees with Disabilities
- > Reasonable Accommodation for the Public
- > Record Retention and Disposal
- > Red Flag (Identity Theft Protection)
- > Sexual or Other Unlawful Harassment
- > Smoke-Free Environment
- > Student Records (FERPA)
- > Travel

- > Use of Electronic Communication Services
- > Weapons
- > Whistleblower

EMPLOYEE CONDUCT

Palmer College of Chiropractic expects employees to conduct themselves in a manner that helps to assure a productive work environment and protects the interests and safety of all employees, students and the College. Examples of unacceptable conduct may include, but are not limited to:

- > Theft or unauthorized removal or unauthorized possession of College property;
- > Unauthorized use of College equipment (including supplies, internet access or personal computers), office space or classrooms for personal gain;
- > Falsification or submission of false information on employment application or other records;
- > Fighting or threatening violence in the work place;
- > Boisterous or disruptive activity in the work place;
- > Negligence or improper conduct leading to damage of College, student, patient, and/or coworker owned property;
- > Insubordination;
- > Disrespectful conduct or conduct tending to bring disrepute to the College;
- > Violation of safety or health regulations, rules or practices including safety tag-out procedures;
- > Sexual or other unlawful harassment/discrimination;
- > Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place;
- > Excessive absenteeism or any absence without notice;
- > Improper use of telephones, fax, mail service or other College-owned equipment or vehicles;
- > Improper use of College computers, e mail or Internet services/technology;
- > Unauthorized disclosure of confidential information;
- > Violation of Staff Handbook provisions, University System Board Policy or College practices or procedures;
- > Inappropriate attire, as previously determined in consultation with the supervisor;
- > Unsatisfactory performance and/or other unacceptable conduct.

The preceding examples do not constitute all possible employee conduct issues and in no manner create a contractual agreement in the employment relationship.

Employees failing to meet College conduct and/or performance standards or expectations may be subject to corrective action up to and including termination of employment.

CORRECTIVE ACTION

Palmer takes corrective action as appropriate to address unacceptable performance or conduct exhibited by an employee. Such action is taken in consideration of the severity and circumstances of the problem. While the practice of Palmer is to implement corrective action in a progressive fashion, the College

reserves the right to take any corrective action deemed appropriate up to and including termination of employment regardless of the existence of prior progressive action.

Corrective action may include but is not limited to the following:

- > Verbal Consultation – This form of corrective action involves a discussion between the employee and supervisor to clarify expectations, review rules, procedures and practices, and identify areas of performance and/or behavior, which require improvement. Verbal consultations may be followed by a written memo that is retained for future reference of the discussion, as necessary.
- > Written Warning – Written warnings specify performance and/or behavior issues that require immediate and on-going correction. Written warnings are reviewed with, acknowledged by the employee, and become part of the official personnel file.
- > Suspension – Employees with on-going or initially serious performance and/or behavior issues may be suspended from work. Suspensions may be with or without pay. Suspensions with pay are generally referred to as a “decision day.” A “decision day” is to provide the employee the opportunity to decide whether they wish to continue employment with Palmer West. An employee is expected to return from a “decision day” with a written improvement plan or resignation letter.
- > Termination – Employees who have received previous corrective action or whose infractions are severe enough to warrant immediate dismissal may be terminated with or without pay in lieu of notice.

PROBLEM RESOLUTION

In the interest of enhancing positive employee relations, Palmer College of Chiropractic attempts to maintain an objective, equitable and consistent process for the resolution of work- related problems.

The College provides both informal and formal processes for prompt consideration of staff problems. Reasonable attempts are made to reach mutual understanding and resolution of matters presented by employees. Confidentiality of the individuals and issues involved is maintained to the greatest extent possible. Confidentiality is maintained in a manner consistent with the objectives of preventing future problems, allowing involved individuals to respond to complaints and participate in the resolution process, as well as attempting to resolve issues in the best manner possible.

Many work-related problems are the result of misunderstandings or misconceptions that can be satisfactorily resolved through informal processes. Informal avenues for problem resolution provide staff members the opportunity to discuss concerns with their immediate supervisor and/or individuals progressively through the applicable chain of command. Staff members may also bring their concerns or problems to the attention of Human Resources in an attempt to resolve them informally.

In those situations where the informal resolution process has not been successful and for matters involving a violation, misinterpretation, misapplication or unreasonable application of policy, procedure, rule, practice or regulation regarding the employee's employment conditions, a staff member may submit formal complaints, in writing, to the Senior Director of Human Resources through the Human Resources office. Formal complaints are addressed according to established resolution procedures.

Complaints regarding matters of unlawful discrimination/ harassment are to be submitted to the Senior Director of Human Resources through the Human Resources office. Complaints of this nature are addressed according to separate established resolution procedures.

The College prohibits retaliation or reprisal against an employee who has initiated either informal or formal resolution procedures.

CHAPTER 4: THE DANGERS OF DRUG & ALCOHOL USE

As explained further below, the use of illicit drugs and the abuse of alcohol adversely affect the health of the individual. Such use or abuse also puts the individual at risk for penalties imposed by the College, up to and including suspension or termination. No one is immune to chemical dependency and the only way to prevent addiction to drugs or alcohol is through either total abstinence or controlled use. Before you use drugs or alcohol, learn the facts.

Health Risks Associated with the Abuse of Alcohol and Illicit Drugs

ALCOHOL: Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden stopping of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics than other youngsters.

Following is a list of common symptoms associated with alcohol use. If you have any of these symptoms, or know of someone on campus who does, please talk to the Substance Abuse Counselor about getting help.

- > Alcohol odor on breath and clothes
- > Slurred speech
- > Loss of coordination
- > Sleeping more than usual or at odd times
- > Physical complaints like morning nausea, headache, “wooly” mouth, fatigue, thirst
- > Memory loss

ILLICIT DRUGS: The harmful effects of illicit drugs vary from substance to substance. The following is a summary of the effects of a number of such substances by category:

- > **Narcotics:** Repeated use of narcotics, such as opium, morphine, and heroin, results in an increasing tolerance; the user must administer progressively larger doses to attain the desired effect, leading to dependence. Possible effects of the use of narcotics include euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Effects of overdose include slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Withdrawal may lead to watery eyes, runny nose, yawning, and loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.
- > **Depressants:** Depressants, including barbiturates (e.g., Phenobarbital and Valium) and chloral hydrate have a potential for abuse associated with both physical and psychological dependence. The effect may vary from person to person and from time to time in the same individual. Low doses produce mild sedation while higher doses, as far as they relieve anxiety or stress, may produce a temporary sense of well-being; they may also produce mood depression and apathy. Higher doses also result in impaired judgment, slurred speech, and loss of motor coordination, disorientation, and the potential for dependence. The effects of overdose include shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal may lead to anxiety, insomnia, and possible death.
- > **Stimulants:** Use of stimulants, such as cocaine, methamphetamine and amphetamines, may lead to a temporary sense of exhilaration, an excess of energy, hyperactivity, excessive wakefulness, and a loss of appetite. They may also lead to irritability, anxiety, and apprehension. These effects are greatly intensified with administration by intravenous injection, which may produce a sudden sensation known as a "flash" or "rush". The protracted use of stimulants is followed by a period of depression known as "crashing." Long-term use can lead to brain damage. The effects of overdose include agitation, increase in body temperature, hallucinations, convulsions, and possible death. The effects of withdrawal include apathy, long periods of sleep, irritability, depression, and disorientation.
- > **Hallucinogens:** Hallucinogens, including LSD, peyote, and mescaline, distort the perception of objective reality. They induce a state of excitation of the central nervous system, shown by alterations of mood, usually euphoric, but sometimes seriously depressive. Other effects include hallucinations and poor perception of time and distance. Effects of overdose include longer, more intense "trip" episodes, psychosis, and possible death.
- > **Cannabis:** There are three drugs that come from cannabis, or hemp, that are distributed in the United States: Marijuana, hashish, and hashish oil. The effects vary from individual to individual. Marijuana is considered a "gateway" drug that may lead to the use of other illicit drugs. Low doses of these drugs tend to induce restlessness and an increasing sense of well-being, followed by a dreamy state of relaxation, and often hunger. Changes in perception may lead to disorientation. Overdose may lead to fatigue, paranoia, and possible psychosis. Withdrawal may lead to insomnia, hyperactivity, and decreased apathy.

- > Steroids: Anabolic steroids are synthetically produced variants of the naturally occurring male hormone testosterone that are abused in an attempt to promote muscle growth, enhance athletic or other physical performance, and improve physical appearance. Testosterone, nandrolone, stanozolol, methandienone, and boldenone are some of the most frequently abused anabolic steroids. Steroid use can cause dramatic mood swings, increased feelings of hostility, impaired judgment, and increase levels of aggression. When users stop taking steroids, they may experience depression. Anabolic steroid use may also cause psychological dependence and addiction. A wide range of adverse effects is associated with the use or abuse of anabolic steroids. In boys, steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroid use can cause deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer. In both men and women, use can cause high cholesterol levels, which may lead to the risk of coronary artery disease, strokes, and heart attacks. Anabolic steroid use can also cause acne and fluid retention. Oral administration of anabolic steroids can damage the liver. Abusers who inject steroids also run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and using steroids manufactured in non-sterile environments.

Source: U.S. Department of Justice, U.S. Drug Enforcement Administration

CHAPTER 5: EDUCATION

All new students and employees are required to complete compliance training upon joining Palmer College of Chiropractic. Compliance Training includes multiple modules addressing topics such as alcohol and drug use, risk-reduction strategies, College policies, and available counseling resources. New student and new employee compliance training can be found at the following links:

[New Student Compliance Training](#)

[New Employee Compliance Training](#)

The College also requires all current students and employees to annually complete compliance training. Annual compliance training consists of topics such as addressing risks associated with alcohol and drug use, risk-reduction strategies, College policies, and available counseling resources. Existing students and employee compliance training can be found at the following links:

[Annual Compliance Training for Students](#)

[Annual Compliance Training for Employees](#)

CHAPTER 6: DRUG & ALCOHOL RELATED SERVICES

Substance Abuse Resources and Assistance

The College recognizes that substance abuse is a significant public health problem. Further, the College recognizes that drug and alcohol abuse can be successfully treated and is committed to helping employees and students who suffer from these problems, while holding them responsible for their own recovery. Thus, the College offers both employee and student assistance programs for employees, students and their dependents.

Employees and students who recognize they may have a drug-or alcohol-related problem are encouraged to seek help for substance abuse issues before a policy violation and corrective action becomes necessary. Student or employee eligibility for individuals voluntarily requesting assistance in the diagnosis and/or treatment for substance abuse will not be jeopardized by College officials if the student or employee requests diagnosis and/or treatment for his/her substance abuse concerns.

CAMPUS RESOURCES

> Employee Assistance Program

The Employee Assistance Program (EAP) is an employer-sponsored benefit intended to provide confidential assessment, short-term counseling, referral, and follow-up services that will help employees and immediate family members resolve personal problems, large and small.

ComPsych Guidance Resources, the College's EAP, can be accessed 24 hours a day by calling (800) 272-7255 or by internet at www.guidanceresources.com. If, upon assessment, the counselor feels that outside assistance is necessary, a subsequent referral will be made. Please contact the Human Resources Department at (563) 884-5276 for a password to access the Web-based benefits.

> Student Wellness Services

The Palmer Student Academic Support Centers complements chiropractic by assisting students in the goal of optimizing their level of functioning and well-being. We encourage and support your need for balance and for your health and well-being. Personal Counseling Referral Program, a free and confidential community-based counseling service, is available for all Palmer students and immediate family members. Palmer students seeking personal counseling resources for assistance with relationship issues, substance abuse, grief and loss, depression, anxiety, or any other mental health issues are encouraged to make an appointment. Go to www.palmer.edu/students/academic-success/wellness for specific instructions for your campus.

COMMUNITY RESOURCES FOR SUBSTANCE ABUSE

Davenport, Iowa (and Quad City area)

Illowa Intergroup of Alcoholics Anonymous
(309) 764-1016

Al-Anon/Alateen
(309) 797-5126 Illinois Quad Cities
(563) 323-1521 Iowa Quad Cities 24 Hour Answering Line

Center for Alcohol and Drug Services, Country Oaks
Adult Residential, Detoxification, Halfway House, Family Resource Center
12160 Utah Avenue
Davenport, Iowa 52804
(563) 326-1150

Center for Alcohol and Drug Services, Fairmount
Evaluation, Adult Outpatient Services, Adult Continuing Care, Drinking Driver's Classes, Family
Resource Center
1523 South Fairmont Street
Davenport, IA 52802
(563) 322-2667

Center for Alcohol and Drug Services, Rock Island
Evaluation, Adult Outpatient Services, Methadone Services, Continuing Care, DUI Services
4230 11th Street
Rock Island, Illinois 61201
(309) 788-4571

Family Counseling & Psychology Center
Rock Island Office (DUI Services, Drug & Alcohol Treatment)
303 18th Street
Rock Island, Illinois 61201
(309) 788-6374

Narcotics Anonymous
1706 Brady Street
Davenport, Iowa 52803
(563) 324-5655
(800) 897-6242

Riverside Alcohol and Drug Services
UnityPoint Health, Trinity Rock Island
2701 17th Street
Rock Island, IL 61201
(309) 779-3000

Robert Young Center for Community Mental Health
4600 3rd Street
Rock Island, Illinois 61201
Access Center (309) 779-2031
24/7 Crisis Intervention (309) 779-2999

Rock Island County Council on Addictions (RICCA)
1607 John Deere Road
East Moline, IL 61244
(309) 792-0292

Vera French Community Mental Health Center
1441 West Central Park Avenue
Davenport, IA 52802
(563) 383-1900

San Jose, California (South Bay area):

Alcoholics Anonymous Santa Clara County (408) 374-8511
24-hour hotline and to find local meetings

Al-Anon Information Service (Mid-Peninsula) (650) 592-7935
Santa Clara Valley Al-Anon Family Groups (408) 379-9375

Cocaine Anonymous (408) 496-9107

Family & Children's Services
950 West Julian Street
San Jose, California 95126
Main number: (408) 292-9353

Marijuana Anonymous (800) 766-6779

Narcotics Anonymous Helpline (408) 998-4200

Santa Clara County Department of Alcohol and Drug Abuse Resources (800) 488-9919

Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline
27/7 free confidential service for those facing mental health and/or substance use disorders. This
service provides referrals to local treatment facilities, support groups, and community-based
organizations. (800) 662-4357

Port Orange, Florida (and surrounding area)

Alcoholics Anonymous, Volusia County Intergroup
1635 Ridgewood Avenue, Suite 107
South Daytona, Florida 32119
(386) 756-2930 or (888) 756-2930
<http://www.aadaytona.org>

Florida Al-Anon
(800) 508-2512
<http://www.nfdist4afg.org/>

Break the Cycle
724 South Beach Street, Suite 3
Daytona Beach, Florida 32114
(386) 333-9622
<http://breakthecycle12.com/>

Club Yana Southern Outreach Services
111 Howes Street
Port Orange, Florida 32127
(386) 761-3533

Daytona Methadone Treatment Center
1823 Business Park Boulevard
Daytona Beach, Florida 32114
(386) 254-1931

Haven Recovery Center
540 North Ridgewood Avenue
Daytona Beach, Florida 32114
(386) 258-5050
<http://www.havenrecoverycenter.org>

Hearthstone Fellowship Foundation
814 North Beach Street
Daytona Beach, Florida 32114
(386) 238-1348
<http://hearthstonefoundation.org>

Narcotics Anonymous (386) 831-1660
Daytona Beach Area Helpline (844) 344-3155

Stewart-Marchman-Act Behavioral Healthcare (SMA)
24/7 Access Center (800) 539-4228
<http://www.smabehavioral.org>

CHAPTER 7: CAMPUS STATISTICS

Table 2: Davenport Statistics for 2016-2017

	YEAR	ON-CAMPUS	NON-CAMPUS PROPERTY	PUBLIC PROPERTY NEAR CAMPUS	TOTALS
ARRESTS					
LIQUOR LAWS	2016	0	0	1	0
	2017	0	0	0	0
DRUG LAWS	2016	0	0	0	0
	2017	0	0	0	0
DISCIPLINARY					
LIQUOR LAWS	2016	0	0	0	0
	2017	0	0	0	0
DRUG LAWS	2016	0	0	0	0
	2017	0	0	0	0

Table 3: West Statistics for 2016-2017

	YEAR	ON-CAMPUS	NON-CAMPUS PROPERTY	PUBLIC PROPERTY NEAR CAMPUS	TOTALS
ARRESTS					
LIQUOR LAWS	2016	0	0	0	0
	2017	0	0	0	0
DRUG LAWS	2016	0	0	0	0
	2017	0	0	0	0
DISCIPLINARY					
LIQUOR LAWS	2016	0	0	0	0
	2017	0	0	0	0
DRUG LAWS	2016	0	0	0	0
	2017	0	0	0	0

Table 4: Florida Statistics for 2016-2017

	YEAR	ON-CAMPUS	NON-CAMPUS PROPERTY	PUBLIC PROPERTY NEAR CAMPUS	TOTALS
ARRESTS					
LIQUOR LAWS	2016	0	0	0	0
	2017	0	0	0	0
DRUG LAWS	2016	0	0	0	0
	2017	0	0	0	0
DISCIPLINARY					
LIQUOR LAWS	2016	0	0	0	0
	2017	0	0	0	0
DRUG LAWS	2016	0	0	0	0
	2017	0	0	0	0

CHAPTER 8: FEDERAL STATUTES GOVERNING ALCOHOL AND ILLICIT DRUGS

Figure 1: Federal Drug Trafficking Penalties, Part 1

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs., and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
Substance/Quantity		Penalty		
Any Amount of Other Schedule I & II Substances		First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount of Other Schedule III Drugs		First Offense: Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount of All Schedule V Drugs		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Figure 2: Federal Drug Trafficking Penalties, Part 2

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
Hashish More than 10 kilograms	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

Source: https://www.dea.gov/druginfo/ftp_chart1.pdf

Federal Alcohol Laws

Congress has the power to regulate importing and taxing alcoholic beverages. Also, the primary Federal law governing alcohol policy is the 21st Amendment, which repealed national prohibition. It also gives the individual states control over:

- > Whether to allow sale of alcohol in the state
- > Whether to allow importing alcohol into the state
- > How to distribute alcohol throughout the state
- > Possession of alcohol in the state

Even with this flexibility for the states, Congress retains the power to promote certain alcohol policies, such as the minimum legal drinking age. The Federal Uniform Drinking Age Act of 1984 sets the minimum legal drinking age to 21 and every state abides by that standard. According to this Act, the Federal government can withhold 10% of Federal funding for highways from states that do not prohibit people under age 21 from buying or publicly possessing any alcoholic beverage. While every state abides by this standard, state law varies on specifics about possession and exceptions to the law, such as allowing people under 21 to drink with their parents. Source: National Institute on Alcohol Abuse and Alcoholism, Alcohol Policy.

State of Iowa Statutes on Alcohol Use

Students and employees at the Palmer College of Chiropractic campus at Davenport, Iowa, who use alcoholic beverages, are subject to the alcoholic beverage laws of the State of Iowa, contained in Chapter 123 of the Code of Iowa, which are as follows:

- > **Purchase, Consumption, or Possession of Alcohol by a Minor:** An individual less than 21 years of age may not purchase or attempt to purchase nor legally consume alcoholic beverages (including wine and beer) in public. A violation of the above is a simple misdemeanor punishable by a fine of \$200.00 for the first offense. Second and subsequent offenses are serious misdemeanors punishable by a fine of \$500.00 and suspension of driving privileges for a period not to exceed one year. However, if the person is less than 18 years of age, the violation shall be referred to the Juvenile Justice System under Iowa Code Chapter 232. No person shall sell, give or otherwise supply alcoholic beverages to any individual less than 21 years of age. A violation by a person of legal age is a serious misdemeanor punishable by a minimal fine of \$500.00. If the result of supplying alcoholic beverages to a minor results in serious injury or death, the supplier of the alcoholic beverage commits an aggregated misdemeanor of class "D" felony, respectively.
- > **Public Intoxication:** An individual shall not use or consume alcoholic beverages (including wine or beer) in any public place not covered by a liquor license. A person shall not be intoxicated (or pretend to be intoxicated) in a any public place. A person violating this provision is guilty of a simple misdemeanor with imprisonment not to exceed 30 days or a fine of at least \$65.00, not to exceed \$625.00; or both.
- > **Sale of Alcoholic Beverages without a License:** The sale or resale of alcoholic beverages is prohibited by Iowa law unless the seller possesses a valid license or permit.
- > **Driving while Intoxicated:** A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this State either while under the influence of an alcoholic beverage or other drug or a combination of such substances or while having an alcohol concentration of .10 or more. A first offense is a serious misdemeanor and is punishable by all of the following: jail for up to one year, a fine up to \$1,250.00, revocation of driving privileges and license for a minimum of 180 days, and assignment to substance abuse evaluation and treatment, a course for drinking drivers, and reality education substance abuse preventative program. A second offense, an aggregated misdemeanor, is punishable by up to two years in prison. A minimum of seven days in jail must be served. A fine of not less than \$1,875.00 nor more than \$6,250.00. A third and each subsequent offense, a Class "D" felony is punishable by imprisonment up to five years. A minimum of 30 days in jail must be served. A fine of not less than \$3,125.00 nor more than \$9,375.00. In addition to the above, a person who is under the age of 21 shall not operate a motor vehicle while having an alcohol concentration of .02 or more. A minor violating this provision faces revocation of driving privilege and license. A court may also order an offender to attend a course for drinking drivers and, for second or more offenses, may order a substance abuse evaluation.
- > **Open Container Laws:** It is illegal for a person to transport, carry, possess, or have any alcohol within the passenger area of a motor vehicle except in the original container and with the seal unbroken.

- > Dram Shop Act: Any person who is injured by an intoxicated person or resulting from the intoxication of a person, has a right of action for all damages sustained against any licensee or permittee, who sold and served any beer, wine, or intoxicating liquor to the intoxicated person when the licensee or permittee knew or should have known the person was intoxicated, or who sold to and served the person to a point where the licensee or permittee knew or should have known the person would become intoxicated.

State of Iowa Statutes on Controlled Substances

- > Chapter 204 of the Code of Iowa Uniform Controlled Substances Act. Controlled substances are categorized in schedules, one through five. Various substances classified as narcotics, hallucinogens, depressants, stimulants, solvents or other chemicals are specified in each schedule.
- > Manufacture, distribution, dispense and administration of controlled substances (including counterfeit substances) are governed by state registration. Any person who participates in these activities without state registration is subject to criminal penalty. The manufacture, delivery, and possession with intent to deliver a controlled substance is a prohibited act. A person violating this act with a Schedule 1 or 2 controlled substance (specifically narcotic drugs and cocaine) is guilty of a class “C” felony.
- > Violations of other Schedule 1, 2 or 3 substances is considered a class “D” felony. Violations of Schedule 4 or 5 substances is considered a serious misdemeanor.
- > Simple possession of any controlled substance, unless obtained with a valid practitioner's prescription, is considered a serious misdemeanor. Possession of the controlled substance marijuana can result in imprisonment in the county jail for not more than six months or a fine for not more than \$1,000, or both.
- > A person over age 18 who illegally distributes Schedule 1 and 2 substances (narcotics and cocaine) to persons under age 18, is guilty of a class “B” felony and must serve a minimum of five years in prison before parole. Distribution of other Schedule 1, 2 or 3 substances to persons under age 18, is considered a class “C” felony.
- > Persons who sponsor, promote or assist the sponsorship of gatherings (concerts, etc.) designed with the intent to distribute, use or possess controlled substances, in violation under chapter 204, and are subject to penalties of a class “D” felony.
- > When a person is charged with any of the criminal offenses described above, and is found to be addicted to, dependent upon or a chronic abuser of controlled substances, the person can be ordered for commitment to a licensed drug rehabilitation facility. The offender must make arrangements to pay for the rehabilitation services. After maximum services have been offered, the offender must report to the court for the disposition of criminal charges.

City of Davenport, Iowa

- > The Davenport City Code states that a person who is in possession of drug paraphernalia with intent to plant, harvest, process or consume illegal controlled substance, is in violation of the law. This violation constitutes a misdemeanor with a fine of up to one hundred dollars or imprisoned in the county jail for not more than 30 days.

Scott County, Iowa

- > The Scott County Board of Supervisors enacted Social Host regulations. It is unlawful for a host of an event when the person knows or reasonably should know that an underage person has consumed an alcoholic beverage or possessed an alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent the possession or consumption by the underage person. A social host who hosts such an event, gathering, or party does not have to be present at the time the prohibited act occurs. A first offence results in a \$500 civil penalty. The second offense is a \$750 civil penalty. A third offence is a \$1000 civil penalty, in addition the County may seek reimbursement for enforcement services provided by emergency responders related to the event.
- > The Scott County Board of Supervisors enacted a Drug Paraphernalia Ordinance. Commission, to include possession with intent to use, manufacture, deliver, advertise for sale, or any of the other acts named in the ordinance will constitute a violation of the code. Anyone found guilty any of the provisions of the ordinance will receive a simple misdemeanor and be subject to imprisonment not exceeding 30 days, or a fine not exceeding \$100 for each individual violation.

State of California Statutes on Alcohol Use

- > The Alcoholic Beverage Act was enacted in 1953. This Act is intended to protect the safety, welfare, health, peace and morals of Californians, eliminate the unlicensed and unlawful manufacture, sale and disposal of alcoholic beverages and promote temperance in the consumption and use of alcoholic beverages. (Bus. and Prof. Code 23001) A person convicted of a violation of the Alcohol and Beverage Control Act is guilty of a misdemeanor or felony depending on the violation.
- > Legal drinking age: 21
- > Sale or Gift to a Minor: Any person who sells, furnishes, gives; or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.
- > Use or Purchase by a Minor: Any person under the age of 21 years who purchases any alcoholic beverage in any on-sale premise, is guilty of a misdemeanor. Any person under the age of 21 years who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction and shall be punished by a fine.
- > Gift or Sale to an Intoxicated Person: No person may sell or give alcoholic beverages to an intoxicated person. Every person who sells, furnishes, gives or causes to be sold, furnished or given, any alcoholic beverage to any obviously intoxicated person is guilty of a misdemeanor.
- > Driving Under the Influence (DUI): Penalties First Conviction
 - o License suspended for six months.
 - o County jail, not less than 96 hours, nor more than six months.
 - o Fine: Not less than \$390, nor more than \$1,000.
 - o Attend county alcohol program at least 30 hours/probation.
 - o Remember: You will be handcuffed, placed in a police car, and placed behind bars.
- > Second Conviction (within seven years of first conviction)
 - o License revoked for one year.
 - o County jail, not less than 90 days, nor more than one year.
 - o Fine: Not less than \$390, nor more than \$1,000.
 - o Participate in 18 months of D.U.I. programs.
 - o Probation
- > Third Conviction (within seven years of first conviction)
 - o License suspended for two years.
 - o Possibility of imprisonment for a term of 2 - 4 years.
 - o Fine: Not less than \$1,015, nor more than \$5,000.
 - o Probation; parole.

State of California Statutes on Controlled Substances

- > The Uniform Controlled Substances Act may be found in the Health and Safety Code, Section 11000 - 11651. Controlled substances are divided into five “Schedules” and the substances under each Schedule may be found in Sections 11053 - 11058. Penalties for possession and sale of controlled substances in California may be found in Sections 11350 - 11351. The Uniform Controlled Substances Act is available for review in Student Services for detailed descriptions of the laws governing the possession, sale, manufacturing, distribution, and trafficking of “controlled substances” in California.

City of San Jose, California

- > Chapter 10.12 - OFFENSES AGAINST PUBLIC DECENCY
 - o 10.12.010 - Drinking on street.
 - o Except as otherwise permitted under this municipal code, no person shall drink any alcoholic or other intoxicating beverage in the City of San José:
 1. On any public street, sidewalk, alley or highway; or
 2. In a parking facility or off-street parking establishment as defined in Chapter 20.200 of this Code including the adjacent walkways or landscaped areas.
- > Chapter 6.88 - MEDICAL MARIJUANA, see full text at:
https://www2.municode.com/library/ca/san_jose/codes/code_of_ordinances?nodeId=TTT6BULIRE_CH6.88MEMA

Santa Clara County, California

- > Division B26 - MEDICINAL MARIJUANA DISPENSARIES
https://www2.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TTTBRE_DIVB26MEMADI
- > Division B26.5 - MEDICINAL MARIJUANA CULTIVATION
https://www2.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TTTBRE_DIVB26.5MEMACU

CHAPTER 11: STATUTES GOVERNING ALCOHOL AND ILLICIT DRUGS: FLORIDA CAMPUS

State of Florida Statutes on Alcohol Use

- > FSS 562.11 (1) It is unlawful for any person under the age of 21 years to have in his/her possession an alcoholic beverage. The penalty for violating this section can include a period of imprisonment not exceeding 60 days and a fine of \$500.
- > FSS 562.11 (2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing anyone to sell, give or serve any alcohol beverage to a person under 21 years of age. The penalty for violating this section can include a period of imprisonment not exceeding 60 days and a fine of \$500.
- > FSS 316.193 A person is guilty of the offense of driving under the influence of alcohol if he/she is driving or in actual physical control of a vehicle and has a blood alcohol level of 0.08 or more. The penalty for the first offense can include six months imprisonment, impoundment of vehicle, \$500 fine, one year of probation and suspension of driver's license. The penalties for repeat violations and offenses involving vehicle accidents are considerably more severe.
- > FSS 322.2616 As of January 1997, it is illegal for someone under 21 years of age to drive or be in actual physical control of a motor vehicle while having a measurable breath level of 0.02 or higher. The legal consequences can include a fine as well as a suspension of driving privileges for six months.
- > FSS 316.1936 It is unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle or while traveling as a passenger in any vehicle. The penalty for violating this section can include a fine of \$500.

State of Florida Statutes on Controlled Substances

- > FSS 893.13 (1) It is unlawful for any person to possess, sell, manufacture or deliver any controlled substances. An exhaustive list of controlled substances is detailed within FSS 893.03. This list includes, but it is not limited to: Cannabis, Mescaline, Marijuana, Psilocybin, Cocaine, PCP, Heroin, Ecstasy, LSD, Rohypnol, Peyote, GHB.

Many common prescription medications are considered controlled substances and the mere possession of such a substance without a valid prescription is a violation of this statute. Depending on the substance, quantity and associated behavior, the penalties for violating this statute range from probation to life imprisonment.

According to Section 893.13 (1) Florida Statutes, effective October 1, 1990, "it is unlawful for any person to sell, purchase, manufacture or deliver a controlled substance in, on, or within 1000 feet of the real property comprising a public or private college, university or other post-secondary educational institution. Individuals who violate this law commit a felony in the first degree and shall be sentenced to a minimum term of imprisonment for three calendar years and shall not be eligible for parole or release under the Control Release

Authority pursuant to s. 947.146 or statutory gain-time under s. 944.275 prior to serving such minimum sentence.”

- > FSS 893.147 It is unlawful for any person to use, or to possess with intent to use, any drug paraphernalia. The penalty for violating this section can include a term of imprisonment not exceeding one year along with a \$1,000 fine.
- > FSS 569.11 It is unlawful for any person under the age of 18 years to possess tobacco products and misrepresenting age to purchase tobacco products. The penalty for violating this section can include but is not limited to 16 hours of community service or a \$25 fine; and, required attendance to a school approved anti-tobacco program, if locally available.
- > FSS 569.101 It is unlawful for any person to sell, deliver, barter or furnish or give tobacco products to persons under 18 years of age. The penalty for violating this section can include but is not limited to the same sanctions defined under F.S.S. 569.

City of Port Orange and Volusia County, Florida

- > Chapter 6 - ALCOHOLIC BEVERAGES, Sec. 6-3. - Drinking in public
 - (a) General prohibition. It shall be unlawful for any person to possess any open container of alcoholic beverage or to consume any alcoholic beverage on the streets, sidewalks or thoroughfares, or on any public property, including, but not limited to, any public building, facility, park, playground, recreational facility, right-of-way, parking lot, and any other property owned or controlled by the City of Port Orange, unless expressly permitted in compliance with provisions of this section. This prohibition shall not apply to and no permit shall be required for possession or consumption of an alcoholic beverage at the following properties:
 - (1) The municipal golf course;
 - (2) The premises located at Riverside Pavilion and legally described in a lease agreement between the city and an organization which is incorporated and active as a corporation not for profit pursuant to F.S. ch. 617;
 - (3) The Palmer College of Chiropractic, Florida campus located on City Center Parkway as described in that certain referenced lease agreement recorded in Official Records Book 4944 at Page 1791 of the Public Records of Volusia County, Florida; and
 - (4) Upon any public property in the city utilized for functions held by the city, Florida League of Cities, Volusia League of Cities, Volusia Council of Governments or other governmental entities.
 - (b) Definitions. For the purposes of this section, the following words, terms and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
 - Alcoholic beverage means any beverage which contains more than one percent of alcohol by weight.
 - Beverage law means the laws and regulations of the State of Florida concerning alcoholic beverages, consisting of F.S. chs. 561—565, 567, and 568, as amended, and the Florida administrative regulations implementing the statutes, as amended.
 - Private social event means any event held by an individual or organization on property owned or controlled by the city at which the general public is not invited to attend. This includes, but is not limited to, the following types of events: dinners, dances, weddings, banquets and receptions.

Public social event means any event held by an organization or group of organizations on property owned or controlled by the city at which the general public is invited to attend.

(c) Permit application.

(1) Private social event. An application to hold a private social event at which any alcoholic beverage is to be consumed or possessed shall be made in writing to the director of parks and recreation, or the director's designee, using such form and including such information as deemed necessary to determine compliance with the requirements of this section and the beverage laws. The application shall be submitted at least 60 calendar days before the event commences to allow for sufficient staff review. At a minimum, the application shall include the following:

- a. The applicant's name, proposed location and description of the event, and days and hours proposed.
- b. Method of dispensation, size of containers in which alcohol will be dispensed, and measures taken by the applicant to prevent underage alcohol consumption and prevent excessive alcohol consumption.
- c. Executed indemnification and hold harmless agreement on form provided by city.
- d. The alcohol permit fee as established by resolution of the city council.

(2) Public social event. An application to hold a public social event at which any alcoholic beverage is to be sold, consumed or possessed shall be made in writing to the director of parks and recreation, or director's designee, using such form and including such information as deemed necessary to determine compliance with the requirements of this section. The application shall be submitted at least 60 calendar days before the event commences to allow for sufficient staff review. At a minimum, the application shall include the following:

- a. The applicant's name, proposed location and description of the event, and days and hours proposed.
- b. A site plan specifying the location and contour of the event area, pedestrian access, the number and location of merchant display areas designated, barricades, special signage and other devices necessary to maintain public safety and indicating traffic and parking patterns.
- c. Outline of alcohol dispensing plan detailing the number of dispensing stations, method of dispensation, size of containers in which alcohol will be dispensed, cost per unit of alcohol dispensed, times at which alcohol will be dispensed, and measures taken by the applicant to prevent underage alcohol consumption and prevent excessive alcohol consumption.
- d. The alcohol permit fee as established by resolution of the city council.

(d) Application review criteria. The director of parks and recreation, or the director's designee, shall review the application submitted for completeness. The director of parks and recreation, or the director's designee, is hereby authorized to reject any application, which is not complete, or which is not received by the specified deadline, or which is not accompanied by the requisite permit fee. All applications shall be subject to facility availability and shall be processed on a first come, first served basis. Completed applications for alcohol permits shall be reviewed to determine the anticipated impact on public health, safety or welfare and for compliance with this section and the beverage laws. An application may be denied if it is determined that any of the following are true:

- (1) The proposed event cannot be conducted in such a manner as to ensure the public health, safety or welfare consistent with the provisions of this section, or the event could be conducted in such manner as to ensure public health, safety or welfare only with certain conditions attached and the applicant refuses to accept such conditions as conditions of a permit.
 - (2) The applicant previously failed to clean up the site of the proposed special event, other property owned by the applicant, or properties adjacent to such site or such other property, of garbage, waste, trash or debris associated with a previous special event, and at the time of application such conditions have been remedied by the city, but the applicant has failed to fully reimburse the city for the costs of such remedy.
 - (3) The applicant has previously violated this section or had an alcohol permit revoked within the last five years.
- (e) Application review process. A completed application shall be processed as follows: The director of parks and recreation, or the director's designee, shall ensure that the application is reviewed by all affected city departments. The director of parks and recreation may approve or deny such application or may attach such conditions to an approval based on the review criteria set forth herein. Appeals from the decision of director of parks and recreation, or the director's designee, shall be made to the city manager. The city manager's determination whether to grant or deny an application for a local special event shall be final.
- (f) Permit conditions.
- (1) Every alcohol permit issued pursuant to this section shall contain the following conditions:
 - a. The permit holder shall comply with all applicable city ordinances.
 - b. The permit holder shall be responsible for compliance with all other applicable federal, state and local rules, regulations, codes and ordinances, and specifically the beverage laws.
 - c. The permit holder shall provide proof of insurance and maintain said insurance in an amount deemed necessary by the risk manager to protect the city against potential liability, if applicable, prior to commencing the event.
 - (2) Every alcohol permit for a public social event pursuant to this section shall include the following conditions as additional conditions which shall be met prior to commencing the event:
 - a. The permit holder shall provide proof of a one-, two- or three-day alcoholic beverages permit issued by the Florida Department of Business and Professional Regulation, Division of Alcohol Beverages and Tobacco in accordance with the beverage laws.
 - b. The permit holder shall execute a temporary license agreement which includes indemnity and hold harmless provisions on a form provided by the city.
 - c. The permit holder shall submit all marketing and advertising materials promoting alcohol sales on city property to the director of parks and recreation for review and approval prior to distribution.
 - (3) The director of parks and recreation shall have the authority to impose additional condition(s) on any alcohol permit issued pursuant to this section if deemed necessary to ensure the public health, safety or welfare.
- (g) Permit revocation. An alcohol permit may be revoked if determined by the director of parks and recreation that any of the following violations have occurred:
- (1) One or more city ordinance violations, state law violations, or beverage law violations have taken place during the event.

(2) The director of parks and recreation has determined that an intervening public health, safety or welfare issue has occurred that requires the permit to be revoked.

(3) The permit holder has failed to comply with one or more permit conditions.

Once a permit has been revoked, the permit holder shall immediately discontinue the sale, consumption or possession of alcohol, and shall not reconvene without the express written authorization of the director of parks and recreation.

> Chapter 6 - ALCOHOLIC BEVERAGES, ARTICLE II. - OPEN CONTAINERS

Sec. 6-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage which contains more than one percent of alcohol by weight.

Highway means any public street, avenue, boulevard, roadway, alley, sidewalk and other right-of-way located within the incorporated area of the city.

Motor vehicle means any vehicle propelled by other than muscular power.

Open container means any bottle, can or other receptacle containing any alcoholic beverage or any mixture containing an alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

Sec. 6-32. - Policy and intent.

The city council finds that the consumption of alcoholic beverages while driving or riding in or on a motor vehicle poses a grave and imminent hazard to the health, safety and welfare of the residents of the city.

Therefore, it is declared to be the policy of the city that the consumption of alcoholic beverages and/or the possession of any open container containing alcoholic beverages while driving or riding in or on a motor vehicle is prohibited.

Sec. 6-33. - Jurisdiction.

This article shall be applicable in the incorporated areas of the city.

Sec. 6-34. - Prohibitions.

No person shall drink from nor have in his possession any open container containing any alcoholic beverage while in or on a motor vehicle, whether moving or stopped upon any highway.

Sec. 6-35. - Exceptions.

This article shall not apply to:

(1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit value of the bottle or can itself, nor to any person taking part in a litter control program.

(2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages; provided, that such alcoholic beverage is being transported solely for commercial purposes.

(3) The transportation of any open container of alcoholic beverage in or on any motor vehicle, provided that such container is in a compartment of the vehicle not readily accessible to the driver or passengers, such as a locked (not merely latched) glove compartment, trunk or other non-passenger or non-driver area of the motor vehicle.

(4) The transportation of any open container or consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs and the separate passenger compartments of limousines, provided the operator

thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage.

(5) The operation, for a consideration, of any motor vehicle by an individual duly licensed and supplied by a chauffeur service, limousine service, taxicab company or bus company, provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage, and is operating the vehicle while under, and in the scope of, the employment of a chauffeur service, limousine service, taxicab company or bus company. The operator must have in his possession evidence of employment by a bona fide chauffeur service, limousine service, taxicab company or bus company.

Sec. 6-36. - Penalty. Any person found guilty of violating the provisions of this article shall be punished in accordance with section 1-8 of this Code.

- > Sec. 1-8. - General penalty; assessments for law enforcement education; continuing violations.
 - (a) Whenever in this Code or any ordinance any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or an ordinance shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the judge trying the case. Each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense.
 - (b) In addition to any fine or other penalty, there is hereby assessed by the city, in compliance with F.S. § 938.01, \$3.00 as a court costs against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal ordinance, where the offense occurred within the city limits. Any person whose adjudication is withheld pursuant to the provisions of F.S. § 318.14(9) or (10), shall also be assessed such cost. In addition, \$3.00 shall be deducted from every bond entreature or forfeited bail bond related to violation of such penal statutes or penal ordinances. However, no such assessment shall be made against any person convicted for a violation of any state statute or municipal ordinance relating to the parking of vehicles. This assessment shall be collected by the appropriate court and shall be remitted to the city and earmarked for law enforcement education and training for members of the police department of the city.
 - (c) In addition to the costs provided for in subsection (b) of this section, there is hereby assessed by the city, in compliance with F.S. § 938.15, an additional \$2.00 as a court cost for expenditures for criminal justice education degree programs and training courses, including basic recruit training, for the police officers and police department support personnel of the city.
 - (d) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be abated by the city as provided by law.

CHAPTER 12: REVIEW

Goals

- > Students and employees will be able to understand the difference between high-risk drinking and responsible use of alcohol.
- > Students who are over 21 will be able to establish a plan for responsible decision-making around alcohol.
- > Students will know community resources for dealing with alcohol and other drug issues. Students will understand the role alcohol plays in mental health, poor academics, and other consequences of inappropriate alcohol and drug use.
- > The alcohol culture on campus will be one of responsibility and safety.

Recommendations for the Future

- > Form a review committee.
- > Improve communication and coordination of College departments who have a part in the alcohol and drug program, and create a webpage specifically dedicated to alcohol and drug prevention, all drug/alcohol policies, laws, resources, biennial reviews, etc. to improve ease of access.
- > Promote College wellness initiatives or offer educational programs/seminars for students and staff year-round. Incorporate the subjects of drugs and alcohol into programs focused on healthy lifestyles that include diet, fitness, and mental health.

Summary

In maintaining compliance with the Drug Free Schools and Communities Act, Palmer College of Chiropractic conducted this biennial review in order to summarize and evaluate the effectiveness of the College's programs and activities related to alcohol and other drug prevention during the 2016 and 2017 academic years.