

Chamberlain University



CHAMBERLAIN
U N I V E R S I T Y

2018-2019 Annual Disclosure
Student Right-to-Know and Campus Security (Clery Act)
Annual Security Report
Sex and Gender Based Misconduct Response and Prevention Policy
Alcohol & Substance Abuse Policy
Student Rights under FERPA
(The Family Educational Rights and Privacy Act)

This document includes information for:

Cleveland, Ohio

September 25, 2018

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CAMPUS WATCH

It's your campus - Protect it!

A truly safe campus can only be achieved through the cooperation of students, faculty and staff. As a member of the Chamberlain University community, it is your responsibility to report a crime, suspicious activity or other emergencies on campus to the appropriate school official. Should you become a witness to or victim of a crime, immediately report the incident to local law enforcement officials, the Student Services office, or to the Incident Commander. All crimes will be investigated and when appropriate, brought to the attention of the Student Services office for disciplinary hearings.

Purpose of the Annual Disclosure Report

Chamberlain University prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security and Crime Statistics Act*. The full text of this document can also be found on the <http://chamberlain.edu/student-consumer-information> or by visiting your local Incident Commander's office. This report was prepared with the assistance of local law enforcement agencies. Campus crime, arrest and referral statistics include those that were reported to local law enforcement and campus faculty and staff. This data may also include crimes that have occurred in private residences or businesses adjacent to the campus.

REPORTING CRIMES AND EMERGENCIES

When making your report of an incident you will be asked to provide the following information:

1. Description of the incident
2. Date, time and location of the incident
3. Description of the persons or vehicles involved in the incident
4. Detail regarding who was notified about the incident

Upon receipt of this report Chamberlain University will determine the appropriate response, which could include disciplinary action against the offender(s), notification to local law enforcement, notification to the campus community or other public safety alternatives deemed appropriate given the circumstances. Please note that your identity may not be confidential when reporting an incident. Chamberlain University does not have procedures for voluntary, confidential reporting of crimes.

Once each semester, Chamberlain University will contact the Cleveland police departments and property management to monitor and record crimes that occur within the designated area surrounding the campus that have been reported to the local Police.

All Emergencies –Dial 911

ANNUAL SECURITY REPORT

Chamberlain University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the SIREN notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Campus President will determine if there is a significant emergency or dangerous situation and what segment of the campus community will need to receive a notification.

Chamberlain University will:

- Test emergency response and evacuation procedures on an annual basis
- Document each test, including the date, time, and whether it was announced or unannounced
- Publicize emergency response and evacuation procedures in conjunction with at least one test per calendar year

SIREN EMERGENCY ALERT SYSTEM

In the event of an emergency or a potentially dangerous threat to the campus or center arises, students, faculty and staff will receive timely notification via the SIREN system, on campus flyers, and/or email announcements. This includes any Clery Act crimes that are reported to the campus IC or local police and are considered to represent a serious or continuing threat to students, faculty, and staff. Please make sure to keep contact information updated in SIREN through the student portal at <https://my.chamberlain.edu> for students and the Adtalem Global Education Commons at <https://atge.okta.com/app/UserHome> for faculty and staff.

Area Police/Fire Non-Emergency Numbers:

<u>County/City</u>	<u>Police</u>	<u>Fire/Paramedic</u>
Cleveland	(216) 623-5300	(216)664-6800

CAMPUS ACCESS, FACILITY SECURITY AND LAW ENFORCEMENT

Cleveland Campus

The Facilities department maintains the building and grounds with a concern for safety and security. Facilities staff inspect the facility regularly, promptly make repairs affecting safety and security hazards, and respond to reports of potential safety and security hazards such as broken windows, locks, etc. Students, faculty and staff can assist the Facilities staff by calling (216) 361-6015 to report concerns. Additionally, the Facilities Manager routinely inspects the grounds and building to review lighting and other environmental concerns for safety.

There are fire alarms and pull stations throughout the facility that should be used only in the event of an emergency. If an emergency requires evacuation, there are signs clearly posted throughout the building indicating the best routes for evacuation.

The building is generally open from 7:00 am - 6:00 pm Monday through Thursday, and 7:00 am – 4:00 pm Friday. When the building is closed, it is locked and monitored by a security company. Access to classrooms and laboratories is limited to those enrolled in the courses meeting there. Access to on- and off-campus activities is limited to actively enrolled students and their guests. Students are responsible for the behavior of their guests at all times at campus-arranged events. Chamberlain University reserves the right to require that Chamberlain University identification cards be presented for admittance to certain locations and events. Chamberlain University may also require students to register their guests with Student Services prior to attendance. Student, faculty and staff identification cards should be worn at all times.

The on-duty security officer serves as an escort and on-campus security 24 hours a day. The security officer must be called to respond to emergencies and can be contacted at (216) 385-6430. The security officer has the authority to ask questions and request identification at any time. Criminal incidents will be referred to local law enforcement.

All crime victims and witnesses are strongly encouraged to report incidents to both campus security and local police. Prompt reporting will ensure timely warning notices to the campus community and timely disclosure of crime statistics.

Students living in off-campus student housing facilities should check with the apartment landlord for specific safety and security measures at their complex. Although most complexes provide keys for individuals and restrict access to apartments, the level of additional security varies from complex to complex. Crimes committed at off-campus housing should be immediately reported to the Police department with jurisdiction over the complex and as soon as reasonably possible to the Student Services office.

The campus security department maintains a policy concerning the monitoring and recording, through local police departments, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.

SAFETY AND SECURITY

Campus safety and security is the shared responsibility of students, faculty and staff. To enhance student, faculty and staff awareness of their responsibility for personal safety, various information and services, including but not limited to, the following are provided throughout the year:

- Pamphlets on personal safety
- Emergency safety information
- Optional renters insurance information for housing students
- Safety/security displays in the library and/or student services office
- Use of institution publications as a forum for personal safety topics
- Institution housing inspections to consider security precautions
- Escort services provided by on-duty security officer

Safety and Security Tips

Personal

- Stay alert and tuned in to your surroundings.
- Communicate that you are calm, confident and know where you are going.
- Stay away from isolated areas.
- Stay on the part of sidewalks furthest away from shrubs, dark doorways and alleys.
- Walk with a companion whenever possible.
- Check the back seat before getting into a car. Keep doors locked while driving.
- Don't overload yourself with packages or wear shoes or clothing that restricts movement.
- Avoid displaying large amounts of cash or jewelry.
- Carry a purse close to your body. Carry a wallet in an inside coat or front trouser pocket.
- If you think someone is following you, abruptly switch directions and walk toward an open store, restaurant or lighted home.
- Don't hitchhike or pick up hitchhikers.
- Park in well-lighted areas.
- Avoid isolated bus stops at times when few other people are around.
- Do not reveal your name, phone number or address to strangers.
- Never admit that you are alone or that you will be away from home.
- Keep an eye on neighbors' homes or apartments while they are away and have them do the same for you.
- Keep your local police department's phone number next to your phone.

Residence

- Keep doors locked at all times
- Draw shades and curtains whether or not you are at home
- Keep money and jewelry locked in a safe place
- Leave a light on while you are away or use a timer
- Secure sliding glass doors with commercially available locks or a rigid wooden dowel in the track
- Don't hide spare keys in mailboxes, planters or under doormats
- Make a record of your valuables and keep it in a safe spot
- Don't leave a note that says you are not in
- Never prop doors open
- Keep ladders and tools in a locked area
- Have someone cut your lawn while you're on vacation

Vehicle

- Always lock your car and remove the keys. Make sure the windows are closed.
- Lock all valuables in the trunk
- Never leave an ID tag on your key ring
- Leave only the ignition key with parking attendants
- Park in well-lit areas

Office

- Keep your purse, wallet and other valuable items with you at all times or locked in a drawer or closet
- Never leave keys lying out
- Never leave change or cash on the desk or in a top drawer
- Notify security personnel of any suspicious persons or vehicles
- Lock doors when working after normal hours
- Report any broken or flickering lights, and doors that don't lock properly

CAMPUS CRIME STATISTICS ARE INCLUDED AT THE END OF THIS DOCUMENT.

SEX AND GENDER BASED MISCONDUCT RESPONSE AND PREVENTION POLICY

This policy applies to complaints or reports of alleged sex and/or gender-based misconduct. Chamberlain University ("Chamberlain") expressly prohibits sex and/or gender-based misconduct which includes sexual harassment, sexual assault, rape, domestic violence, dating violence, stalking, sexual exploitation, and gender-based harassment. Any acts that meet this policy's definitions of sex and/or gender-based misconduct are a violation of Chamberlain's policy, and potentially applicable state and federal law. Chamberlain is committed to fostering an environment where any alleged violation of this policy is promptly reported and complaints are resolved in a fair and timely manner.

Creating a safe environment is the responsibility of all members of the community. Regardless of the definitions provided below, anyone who believes they are a victim of sex and/or gender-based misconduct should report the incident as soon as possible to the Title IX Coordinator (See "Coordinator" under "Definitions" below for contact information) or the campus complaint administrator in addition to seeking immediate medical and/or safety assistance.

This policy applies to all members of the Chamberlain community, and includes, but is not exclusive to faculty, staff, students, Chamberlain visitors, volunteers, vendors, and persons related to, receiving or seeking to receive services, or otherwise pursuing studies with the organization. It also applies, as appropriate, to any alleged act of sex and/or gender-based misconduct that adversely impacts the Chamberlain community, whether those acts occur on or off campus.

Definitions

"Affirmative consent" is the affirmative, knowing, conscious, voluntary, and mutual agreement to engage in sexual activity. Consent can only exist free from intimidation, force, threat of force or coercion. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but voluntary, conscious, affirmative consent to any sexual activity is equivalent to "no" for purposes of this policy. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other, or others, to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. While the legal definition of consent varies by jurisdiction (See "Related Information" for link to consent statutes by state), the following general rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- The lack of protest or resistance does not constitute consent, nor does silence.
- Where there is use of threat, force or restraint by the accused, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations

- between them, should never, by itself, be assumed to be an indicator of consent.
- Consent to sexual activity with one person does not constitute consent to sexual activity with another person.
- A person who initially consents to sexual contact including penetration may withdraw continued consent at any time during the course of that interaction. When consent is withdrawn or can no longer be given, engagement in sexual activity must stop.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: the person is incapacitated due to use or influence of alcohol or drugs; the person is asleep or unconscious; the person is under age; or the person is incapacitated due to a mental disability.
- Consent is required regardless of whether the person initiating sexual activity is under the influence of drugs and/or alcohol.

A power differential between people engaged in a sexual act presumes the inability to consent for the less powerful person (e.g. the student in a student-colleague interaction; the supervisee in a direct report-supervisor interaction).

It is not a valid excuse to alleged lack of affirmative consent that the Respondent believed the victim consented to sexual activity if the:

- Respondent's belief arose from the Respondent's own intoxication or recklessness;
- Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- Respondent knew, or a reasonable person should have known, that the Complainant was unable to consent because the Complainant was asleep, unconscious, incapacitated due to the influence of drugs, alcohol, or medication, or was unable to communicate due to a mental or physical condition.

“Clery Act” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46. The Clery Act requires that institutions annually disclose certain crimes which have occurred within a geography that includes campus buildings and adjacent locations. Annual disclosures are released on or by the 1st day of October each year.

“Colleague Code of Conduct” refers to the “ATGE Code of Conduct and Ethics” (https://www.adtalem.com/content/dam/atge/www_adtalem_com/documents/organizational-governance/code_of_conduct.pdf) which is applicable to colleagues at all Adtalem Global Education institutions and offices and outlines colleagues' rights and responsibilities.

“Colleague complaint procedure” is the vehicle by which colleagues can bring to the administration's attention any complaint relating to their experience with Chamberlain or a member of the Chamberlain community. It is the mechanism for investigating and trying to resolve complaints raised by colleagues and can be found in the Commons Portal > Quick Links > Policy Central.

“Complaint administrator” is a Chamberlain colleague or Adtalem Global Education representative responsible for conducting an investigation when a complaint of sex and/or gender-based misconduct is raised. To find the complaint administrator at any given location or for a particular complaint, consult the location's student handbook, student services, or the Title IX Coordinator.

“Conduct administrator” is an official authorized to administer disciplinary proceedings for respondents who may have violated the Code of Conduct applicable to students. A conduct administrator may serve as the sole member or as a participant in the conduct panel. Nothing shall prevent Chamberlain from authorizing the same conduct administrator to impose sanctions in all cases at a single or multiple locations.

“Conduct panel” means any person or persons authorized by the conduct administrator to determine whether a respondent has violated the Code of Conduct applicable to students and to determine appropriate sanctions.

“Coordinator” refers to the Title IX Coordinator. Ms. Camille Lee and Mr. Neil Callicot, Title IX Coordinators (TitleIXCoordinator@chamberlain.edu or 630-829-0233) are responsible for overseeing compliance with all aspects of this policy and designated to receive and monitor resolution for all Title IX reports.

“CRC” refers to the Coaching Resource Center which is available to managers to assist in addressing colleague relations concerns including complaints about colleague or vendor conduct.

“Dating violence” means sex or gender-based violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a dating relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a dating partner.

“Domestic violence” refers to sex or gender-based violence committed by either a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is or has cohabitated with the victim as a spouse; a person similarly situated to a spouse of the victim under the jurisdictional domestic or family violence laws; or any other person against a victim who is protected from that person's acts under the jurisdictional domestic or family violence laws. Based on jurisdictional definitions, domestic violence may constitute a felony or misdemeanor crime. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a domestic relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a domestic partner.

“FERPA” means the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99. FERPA sets certain limits on the disclosure of student records. This policy is designed to work in tandem with FERPA, and nothing in this policy is intended to require or encourage non-compliance with FERPA.

“Gender-based misconduct” refers to unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex including behaviors based on gender identity, expression and nonconformity with gender stereotypes.

“Member of the Chamberlain community” includes students, faculty members or staff, and any other individuals associated with Chamberlain. The conduct administrator or complaint administrator shall determine a person’s status in a particular situation.

“Notice” refers to any information regardless of whether it is direct, indirect, partial or complete received by a colleague that indicates possible sex or gender-based misconduct. When notice is received, colleagues are required to inform the Title IX Coordinator or their supervisor who in turn must make a report to the Title IX Coordinator.

“One-up manager” is a colleague’s manager’s manager. It is the person responsible for receiving a colleague’s complaint when his/her direct manager is implicated in that complaint.

“Policy” is defined as a general administrative or operational direction with broad application throughout Adtalem Global Education and/or one or more of its institutions.

“Rape” is any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim and/or by force. Rape may involve strangers or a non-stranger (e.g. friend, classmate, relative, spouse or co-worker). In these instances, rape is often referred to as “acquaintance rape.” Rape is a crime regardless of a relationship or lack thereof between individuals.

“Sexual assault” is non-consensual sexual contact defined as physical contact of a sexual nature against the victim’s will or without the victim’s affirmative consent. It includes any intentional sexual touching, however slight, by direct physical contact or by use of any object, by a person upon another person, without affirmative consent and/or by force. Rape is a severe form of sexual assault.

“Sexual contact” means the deliberate touching of a person's intimate body parts (including lips, genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause self-touching by another person of intimate body parts.

“Sexual exploitation” occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of themselves or any other person that is not the person being exploited by the behaviors. Examples include but are not limited to: invasion of sexual privacy; prostitution; non-consensual recording of nudity or sexual activity; voyeurism; knowingly exposing someone to an STI, STD or HIV; intentional exposure of genitals in non-consensual circumstances; and sex- based stalking or bullying.

“Sexual harassment” refers to unwelcomed sex or gender-based advances, requests for favors or other verbal, written, online and/or physical conduct. Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where: (1) Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of the student’s education or colleague’s employment; or (2) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions about the student or professional decisions about the colleague; or (3) Such conduct is sufficiently severe or persistently pervasive and objectively offensive thereby having the purpose or effect of unreasonably interfering with a person’s ability to participate in or benefit from Chamberlain’s educational, employment, social or other related programs.

“Sex and gender-based misconduct” is a broad term used to refer to all conduct prohibited by this policy. This encompasses sexual harassment, gender-based harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation and stalking. Sex and gender-based misconduct can occur between strangers or non-strangers, including people involved in an intimate or sexual relationship. Sex and gender-based misconduct can be committed by any person regardless of sex, gender or sexual orientation of the victim or perpetrator.

“Stalking” is a course of behavior directed at a specific person that would cause a reasonable person to feel fear for personal safety, or repetitive, menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

“Code of Conduct applicable to students” refers to the policy titles “Student Code of Conduct” which is accessible in the student handbook. It outlines students’ rights and responsibilities, as well as the process by which action may be taken against a student for Code violations.

“Student complaint procedure” is the vehicle by which students can bring to Chamberlain’s attention any complaint relating to their experience with Chamberlain or a member of the Chamberlain community. It is the mechanism for investigating and attempting to resolve complaints raised by students. The student complaint procedure can be found in the student handbook <http://www.chamberlain.edu/resources/academics/student-handbooks>.

“Speak Up” refers to Speak Up Adtalem Global Education, a reporting system managed by a third party vendor (EthicsPoint), which encourages members of the Chamberlain community to come forward with questions or concerns, including allegations of sex and/or gender-based misconduct. Reports can be made anonymously or reporters can provide their name and contact information. Colleagues are expected to ask legal, compliance and ethics questions and report suspected wrongdoing. Colleagues and students can utilize the SpeakUp program by contacting the third party contractor EthicsPoint by phone at 1-866-421-0617 or on-line at www.speakupadtalem.ethicspoint.com.

“Stranger” and “Non-stranger” are terms to describe the association between a Complainant of sexual harassment or sexual misconduct, and the Respondent. A “Stranger” is a person(s) not known by the Complainant at the time of the alleged sexual harassment or sexual misconduct. A “Non-stranger” is a person(s) known by the Complainant, whether the person(s) is known casually, intimately, or for a short or long period, at the time of the alleged sexual harassment or sexual misconduct. Chamberlain University’s Sex and Gender-Based Misconduct Response and Prevention Policy applies to misconduct involving both Strangers and Non-strangers, occurring on- or off-campus.

“Title IX” is a federal law which prohibits sex and gender discrimination in U.S. education. Under Title IX, sex and gender-based misconduct are forms of discrimination that require investigation and appropriate remediation when students, colleagues, or other members of the educational institution’s community are impacted. Title IX is enforced by the U.S. Department of Education.

“VAWA” refers to the Violence Against Women Act, 34 CFR Part 668. VAWA supports community resources for victims of rape, sexual assault, stalking, dating violence and domestic violence and articulates expectations regarding the management of related concerns when a report is made to representatives of U.S. colleges and universities.

“Chamberlain” means Chamberlain University.

Prevention and Awareness

Acts that are deemed to fall within the scope of this policy are violations of the Codes of Conduct, as well as the expectations of members of the Chamberlain community. These acts may also be crimes. In an effort to increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, Chamberlain is committed to providing primary and ongoing awareness and prevention programming.

Primary and ongoing awareness and prevention programs will cover the continuum of issues contemplated by this policy. Themes will include situational awareness and prevention strategies such as bystander intervention and other forms of risk reduction. While bystander intervention specifically refers to the safe and effective ways in which third parties can intervene to thwart sex and/or gender-based misconduct, risk reduction also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable.

Awareness programs are events that occur online or in person that request active engagement of community members. It is the expectation and responsibility of each member of the Chamberlain community to participate in programming which will assist with ongoing prevention efforts, as well as effective and efficient identification and response when sex and/or gender-based misconduct does occur.

Primary prevention and awareness programming will include a comprehensive online education platform intended for viewing by all colleagues and students, as well as student-facing vendors if necessary and appropriate. The program will be completed by:

New students and transfer students: within three weeks of the start of the student’s first session

Returning and continuing students who did not take the training as a new or transfer student: within three weeks of the start of the session the student is scheduled to resume or continue studies

Colleagues by the date stated in email notification.

Specific vendors by the date stated in email notification

Access to the primary prevention program and its contents will be ongoing throughout the participant’s relationship with Chamberlain. Members of the Chamberlain community are encouraged to visit this resource regularly for personal, professional and academic purposes.

Ongoing prevention and awareness campaigns are public service announcements and campaigns, as well as messages and activities integrated into the day-to-day fabric of the academic community.

These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. Chamberlain will continually seek formal and informal ways to incorporate additional awareness and prevention strategies, e.g., active and passive educational campaigns such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies. When additional ongoing education is provided, the organizer will report that event, activity, or effort to the Title IX Coordinator for recordkeeping and quality assurance purposes. Toolkits including ideas and resources that support ongoing efforts and are related to the primary prevention and awareness programming will be made available to any campus upon request.

Additional training will be delivered to colleagues responsible for responding to reports of sex and/or gender-based misconduct, including but not limited to complaint administrators, conduct administrators, conduct panelists, and appeal reviewers. These colleagues should complete the primary prevention and awareness programming described above, as well as remote or live training and/or consultation with the Title IX Coordinator before and during management of an allegation within the scope of this policy.

Reporting

Victims may file a formal complaint with a designated local campus administrator or through the Title IX Coordinator.

TiShaunda McPherson
Director of Equity and Access
Equity@adtalem.com
630-829-0265

Camille Lee, Title IX Coordinator
Neil Callicoot, Title IX Coordinator
TitleIXCoordinator@chamberlain.edu
(630) 829-0233

Reports can also be made anonymously through the SpeakUp program (1-866-421-0617).

If a victim wishes to access local community agencies and/or law enforcement for support, Chamberlain will assist the victim in making these contacts.

Anyone may make a report regarding any information pertaining to violations of this policy. All Chamberlain colleagues (faculty, staff, administrators, and student workers) are required to immediately provide any information received about any actual or suspected sex and/or gender-based misconduct impacting the Chamberlain community to appropriate officials with some very narrow exceptions discussed elsewhere in this policy (see “Confidentiality”). Regardless of how notice is received, reports may prompt a need for Chamberlain to investigate.

Any individual wishing to discuss a situation within the scope of this policy without triggering an immediate investigation may contact a Confidential Advisor.

Ms. Evalye Alexander
Ms. Cyndy Palmer
Confidential Advisors
(630) 799-0138
confidentialadvisor@chamberlain.edu

A student may also seek referral to mental health counseling services or receive other support by contacting ASPIRE at 1-888-470-1531 or via info@myASPIREonline.com. Colleagues may seek support 24 hours a day, seven days a week through GuidanceResources at 1-877-623-3879. General hotline and other resource information can be found at the end of this policy, and focused support services can be obtained through consultation with student services, the CRC, local human resources, or the Title IX Coordinator.

Individuals experiencing misconduct in violation of this policy are also always free to notify the U.S. Department of Education:

Office of Civil Rights (OCR) - Headquarters 400 Maryland Avenue, SW
Washington DC 20202-1100
Customer Service Hotline #: (800) 421-3481
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>
Regional Offices: <http://www2.ed.gov/about/offices/list/ocr/addresses.html>

Support and Resources

The Chamberlain official who receives notification of alleged sexual and/or gender-based misconduct will offer appropriate support or refer the victim directly to immediate assistance. Assistance may initially require supported access to local medical, mental health, legal or law enforcement resources and could include academic accommodations, changes in housing for the victim or a respondent student, changes in working situations and other arrangements as may be appropriate and available (such as limiting orders, campus escorts, transportation assistance, or targeted interventions). No victim is required to take advantage of these services and resources, but Chamberlain provides them in the hope of offering help and supporting minimal disruption to access to academic programming or the workplace. If circumstances related to an incident change over time, these and other supportive accommodation options may be revisited. Chamberlain may also provide referrals to counseling services, at the victim's option, including but not limited to the confidential colleague and student support services outlined above (See "Reporting"). Local resource lists can also be found through student services and in the student handbook. A brief list of national and international referral sites can be found at the end of this policy.

Disciplinary Review and Action

Acts of sex and/or gender-based misconduct are subject to disciplinary action. Disciplinary action is not intended to determine criminal responsibility. Rather it is intended to identify and respond to violations of Chamberlain policy and community standards. Separate and distinct disciplinary action may also be considered in instances of retaliation against those who, in good faith, report or disclose an alleged violation of the comprehensive policy, file complaint, or otherwise participate in the complaint resolution procedure. Failure by a respondent to adhere to interim protective measures will be considered a form of retaliation or an extension of the initial allegations. Chamberlain University will utilize the preponderance of evidence standard to determine if a violation of the Sex and Gender-Based Misconduct Response and Prevention Policy occurred. The preponderance of evidence standard means that, based on all of the information available, it is more likely than not that the alleged sexual harassment or sexual misconduct occurred.

When the victim chooses, or Chamberlain believes it is necessary, a prompt, fair and impartial investigation will be initiated. In the event that a victim requests that an investigation not occur, their request will be honored when possible and unless Chamberlain determines in good faith that failure to investigate creates a potential risk of harm to the reporting individual or other members of the community. Factors used to determine whether to adhere to such a request include, but are not limited to whether: the accused has a history of violent behavior or is a repeat offender; the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; there is an increased risk that the accused will commit additional acts of violence; the accused is alleged to have used a weapon or force; the reporting individual is a minor; Chamberlain possesses other means to obtain evidence; and/or available information reveals a pattern of perpetration by a specific person, at a given location, or by a particular group.

If allegations appear to be substantiated based on the totality of the circumstances, a respondent student may be subject to the Code of Conduct process, which will determine any violation of this policy based upon a preponderance of evidence. The student complaint procedure which details the investigation and resolution processes, and the Code of Conduct applicable to students, which details the student disciplinary hearing process,

can be found in the student handbook or online here: <http://www.chamberlain.edu/resources/academics/student-handbooks>.

If allegations of colleague misconduct are substantiated to the preponderance of evidence standard through the investigation, colleague discipline may be imposed. The colleague complaint procedure, which details the investigation and resolution processes and prohibited colleague conduct, can be found on the Commons Portal > Quick Links > Policy Central.

The Title IX Coordinator will monitor the investigation and resolution of reports of sex and/or gender-based misconduct and facilitate compliance with this policy. Furthermore, the Title IX Coordinator will work with campus administration to identify and initiate strategies intended to remedy the effects on the victim and the Chamberlain community to the extent practicable and reasonable to prevent the recurrence of similar misconduct.

Privacy of the records specific to sex and/or gender-based misconduct investigations is maintained in accordance with applicable law, including FERPA. Any public release of information to comply with the timely warning provisions of the Clery Act will not include the names of victims or information that could easily lead to a victim's identification. In appropriate instances, pertinent interim actions and the results of disciplinary hearings regarding the alleged perpetrator of misconduct will be disclosed to the alleged victim and/or complainant. Confidentiality will be maintained whenever possible, however Chamberlain reserves the right to exercise discretion and disclose details of an incident or allegation to assure community safety or the safety of an individual.

It is Chamberlain's policy to hold perpetrators of sex and/or gender-based misconduct accountable for their actions through appropriate student conduct or personnel procedures, and by working with community agencies and law enforcement as appropriate. Internal mediation between the alleged victim and respondent will not be used to resolve an allegation of sexual misconduct.

Chamberlain's internal review processes shall run concurrently with any criminal justice investigation and proceeding, except for temporary delays as requested by external entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Internal mediation between the alleged victim and respondent will not be used to resolve an allegation of sexual misconduct.

Prior sexual history with persons other than the other party in a judicial or conduct process, as well as any mental health diagnosis and/or treatment will be excluded from student conduct hearings at the student's preference. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of a review process that determines sanction.

Investigation and response to allegations of sex or gender-based misconduct will include the following, without limitation: trauma informed assistance to the victim/survivor as appropriate; an interview with the victim/survivor; identifying and locating witnesses; contacting and interviewing the respondent; cooperating with law enforcement.

In any complaint of sex or gender-based misconduct, the person bringing the accusation and the responding party are both entitled to the same opportunities for a support person or advisor of their choice throughout the process, consistent with any guidelines set forth applicable to students or colleagues. Once complete, the parties will be informed, in writing, of the outcome. Notice to both parties will include the findings, as well as the sanctions/discipline (if any) to the degree possible and always when the sanction/ discipline is directly relevant to that individual. Delivery of this outcome will not be unduly delayed to either party, and should occur in the same form and format and as near to simultaneously as possible.

Sanctions for student misconduct

Appropriate disciplinary sanctions for substantiated violations of this policy by students, up to and including expulsion, will be imposed in accordance with the Code of Conduct applicable to students found here: <http://www.chamberlain.edu/resources/academics/student-handbooks>. The full list of available sanctions is provided in the Code of Conduct applicable to students. This policy statement is not intended to replace or substitute for the Code of Conduct applicable to students. This policy is a supplement to the community standards that the Code of Conduct applicable to students sets forth. Alleged violations of this policy will be referred to the applicable complaint administrator and/or conduct administrator for appropriate review. All parties in a student conduct proceeding will be informed at the same time and in the same manner of any final determinations, as well as Chamberlain's appeal process, and their rights to request an appeal. Should any change in outcome occur prior to finalization (e.g., a re-hearing ordered upon appeal), all parties will be informed at the same time and in the same manner, and will be notified when the results of the conduct process is finalized. In addition, violations of this policy may trigger application of sanctions to a student imposed under local, state, or federal law.

Sanctions for colleague misconduct

Alleged violations of this policy by colleagues will be referred to the CRC for appropriate review. Disciplinary sanctions for a colleague's violation of this policy may include written reprimand, warning, probation, suspension, housing suspension, housing expulsion, limiting order, change in job assignment, office relocation, reduction of awards under the management incentive plan, or termination of employment or contract, and will be imposed in accordance with applicable Chamberlain policies and procedures. Chamberlain reserves the right to impose further and/or different sanctions appropriate to an individual situation. In addition, violations of this policy may trigger application of sanctions to a colleague imposed under local, state, or federal law.

Reporting by Colleagues to External Authorities

Colleagues who are made aware of a possible violation of this policy are required to contact their manager or one-up manager and also the Title IX Coordinator. Colleagues can also submit named or anonymous reports of sexual and/or gender-based misconduct by utilizing the ATGE "Speak Up" hotline at <http://www.speakupadtalem.ethicspoint.com/>. Colleagues should contact the Title IX Coordinator with any questions about whether a report to law enforcement is appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Disciplinary procedures are independent of any and all procedures and proceedings under local, state, or federal criminal or civil law. In all cases, Chamberlain reserves the right to refer cases for parallel criminal prosecution or to pursue sanctions regardless of criminal prosecution. Violations of this policy by a visitor, volunteer, vendor, agents, or other third parties affiliated with Chamberlain may also result in the termination of pre-existing or future relationships.

Victim/Survivor's Rights

Chamberlain will take interim steps to protect victims of sex and gender-based misconduct and maintain a positive learning and working environment by minimizing or eliminating contact between a complainant and a respondent and providing reasonable academic, employment, and administrative accommodations in accordance with the Clery Act and Title IX. Students who are victims of sex and/or gender-based misconduct may request a change in their academic arrangements by contacting student services, the Title IX Coordinator, or local leadership. Colleagues who are victims of sex and/or gender-based misconduct may request a change in their employment arrangements by contacting their one-up manager, the CRC, the Title IX Coordinator, or local leadership.

Victim's rights include:

1. The right to notify or not notify law enforcement, and to request and receive assistance from Chamberlain in making a report if desired.
2. The right to summary information on all available response options, such as complaint resolution procedures, including the necessary steps and potential consequences of each option whether or not a formal report is made to the institution.

3. The right to be free from undue coercion from Chamberlain to pursue or not pursue any course of action.
4. The right to be informed of the institution's role regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a civil, criminal, or tribal court (when applicable).
5. The right to request and receive information on how to make a confidential report for the purposes of tracking campus crime without otherwise divulging details that would require or permit Chamberlain to investigate and respond (when the incident has not yet been reported to a colleague required to notify the Title IX Coordinator).
6. The right to contact information for the Title IX Coordinator, available confidential advisors, community-based resources (sexual assault crisis centers or other appropriate support services), campus security and/or local law enforcement.
7. The right to be fully informed of any applicable disciplinary conduct process and procedures.
8. The same rights as the accused to attend and have a support person of their choice and/or witnesses present at student conduct hearings and any meetings leading up to such a hearing.
9. The right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. In the case of student conduct proceedings, victims have the right to appeal the outcome.
10. The right to request interim protective measures and accommodations including a change in academic, employment, on-campus living, transportation or other arrangements after the alleged sex or gender-based misconduct and to be informed of the reasonably available options for those changes.
11. The right to obtain and have enforced a campus-issued limiting instruction or no contact order or a court issued order of protection or no contact order.
12. The right to be informed about Chamberlain's ability to provide assistance, upon request, in accessing and navigating campus and/or community resources for health, mental health, advocacy, and/or other services for survivors of sexual assault, relationship violence and other forms of sexual misconduct.
13. The right to be free from any suggestion that they are at fault or should have acted in a different manner to avoid reported sex or gender-based misconduct.
14. The right to not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response and under no circumstances will a victim be required to repeat details of the incident to secure appropriate accommodations.
15. The right to make an impact statement during the point in any conduct review process where the decision maker is prepared to deliberate on appropriate sanctions.

For all colleagues: In the event that a violation of this policy is reported to you, the victim should be provided with the above-listed options and a copy of this policy. For more specific instructions on how to properly comply with this policy, please consult the Title IX Coordinator.

Amnesty for Victims and Witnesses

Chamberlain will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. Chamberlain encourages the reporting of sex and gender-based misconduct by victims and witnesses who are sometimes hesitant to report to Chamberlain officials or participate in the resolution processes because of concern that they may be accused of policy violations, such as underage or excessive drinking or drug use at the time of the incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding violations of this policy. To encourage reporting, Chamberlain University grants victims and witnesses amnesty, when appropriate, for potential Chamberlain University policy violations, and provides all parties and witnesses other interim measures, as appropriate or needed.

Similarly, Chamberlain encourages direct assistance to those in need as a result of sex or gender-based misconduct. In instances where minor policy violations are revealed as a result of a person providing assistance to a victim, policy violations should not be overlooked, however Chamberlain may provide educational options, rather than punitive sanctions, to those who offer their assistance.

Retaliation

Chamberlain prohibits retaliation against anyone who reports an incident of sex and gender- based misconduct or any person who assists or participates in a proceeding, investigation or hearing relating to such allegations. Any allegation of retaliation related to the investigation or resolution of a sex or gender-based misconduct allegation will be treated as an independent Title IX complaint requiring consideration of appropriate reparative interim action, as well as investigation and resolution as described in this policy.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. All complaints of retaliation should be reported in accordance with Chamberlain’s complaint procedures. If Chamberlain’s procedures would result in students or colleagues being required to submit a complaint to the person whom they believe is retaliating, students or colleagues may submit the retaliation complaint directly to the Title IX Coordinator, or to the campus or location leader or one-up manager, who should also inform the Title IX Coordinator. Submission of a good-faith complaint or report of sexual or gender-based misconduct will not adversely affect the complainant’s future academic or work environment. Chamberlain will discipline or take other appropriate action against anyone who retaliates against any person who reports an incident of alleged sexual or gender-based misconduct or who retaliates against any person who assists or participates in a proceeding, investigation or hearing related to such allegations.

Confidentiality

Chamberlain wishes to create an environment in which individuals feel free to discuss concerns and make complaints. Chamberlain understands that complainants, witnesses, and others involved in the investigation process may be concerned about the confidentiality of the information they are sharing. In some cases, however, Chamberlain may be obligated to take action when it becomes aware of information relating to a complaint.

Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with Chamberlain’s obligations in investigating complaints. Once an individual discloses identifying information to Chamberlain through the processes described above and in the applicable complaint procedures, that person will be considered to have filed a complaint with Chamberlain. While the confidentiality of information received, the privacy of individuals involved, and compliance with the wishes of the complainant or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

If students or colleagues wish to speak with someone who can assure confidentiality, they may contact a Confidential Advisor.

Ms. Evalye Alexander
Ms. Cyndy Palmer
Confidential Advisors
(630) 799-0138

confidentialadvisor@chamberlain.edu

Students and colleagues are also encouraged to access counseling services available by referral through Chamberlain’s third party providers: ASPIRE (for students) at 1-888-480-1531, info@myASPIREonline.com, or <http://myaspireonline.com>; and GuidanceResources (for colleagues) at 1-877-623-3879.

Risk Reduction Tips

- Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. There are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.
- Communicate limits/ boundaries and respect the limits/ boundaries of others.
- Clearly and firmly say “No” to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.

- If someone is nearby, ask for help.
- Take responsibility for your alcohol/ drug use. Acknowledge that alcohol/ drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone's intoxication or altered state even if alcohol or drugs were consumed willingly.
- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

Bystander Intervention Strategies

- Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual assault, sexual exploitation, dating violence, domestic violence or stalking can significantly impact the course of an interaction between a latent perpetrator and victim.
- Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support, or acknowledgement. Community members are encouraged to recognize warning signs and to consider possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.
- When a member of the Chamberlain community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples include but are not limited to:
 - Making up an excuse to get someone out of a dangerous situation.
 - Stepping in to change the course of an interaction.
 - Warning potential or perceived perpetrators that their actions may lead to severe consequences.
 - Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
 - Remaining on the scene of observed misconduct and offering to make a statement or act as a witness subsequent to intervention by security, administration or the police.
 - Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
 - Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.
 - Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
 - Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator

Procedures to Follow After a Sexual Misconduct Incident

Victims of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking, and rape (including acquaintance rape) that impacts the Chamberlain community have the option and are encouraged to contact local law enforcement authorities.

Whenever possible, victims should report a violation of this policy as soon as possible and preserve evidence as may be necessary to prove that domestic violence, dating violence, sexual assault, or stalking occurred, or to obtain a protection order. Victims of sexual assault or rape are strongly encouraged to report the incident as described in this policy to deter future assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with physical and emotional trauma associated with the violation. Recommended steps include:

1. Go to a safe place; go somewhere to get emotional support.
2. Consider reporting the incident to the police. If requested, Chamberlain will assist with notification.
3. Report the misconduct to the manager of student services, sr. manager of campus operations, one-up manager, campus incident commander, local Chamberlain leadership, Title IX Coordinator, or the CRC.
4. For your safety and well-being, immediate medical attention is encouraged. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that, if at all possible, you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet.
5. Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies such as sexual assault recovery centers and domestic violence safe houses. This can help to recover from psychological effects and provide a safe environment for recovery.
6. Contact the manager of student services, sr. manager of campus operations, one-up manager, Title IX coordinator, or the CRC if you need assistance with Chamberlain related concerns, such as implementing no-contact orders or other protective measures. Chamberlain may also liaise with local authorities to assist an individual who wishes to obtain protective or restraining orders.

Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so. Anyone with knowledge about a sexual assault or other sex or gender-based misconduct is encouraged to report it immediately to the Title IX Coordinator in order to permit a coordinated report to the applicable law enforcement authorities when appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Please refer to the “Related Information” section of this document for a link to local resources for advice and assistance to victims.

Resources for Victims of Sexual Misconduct

National Sexual Assault Hotline

1-800-656-HOPE (4673)

<https://rain.org>

National Suicide prevention Hotline

1-800-273-TALK (8255)

<https://suicidepreventionlifeline.org>

National Domestic Violence Hotline

1-800-799-7233

(TTY) 1-800-787-3224

<http://thehotline.org>

Americans Overseas Domestic Violence Crisis Center

1-866-USWOMEN (International Toll Free)

crisis@866uswomen.org

National Network to End Domestic Violence
<https://nnedv.org>
<https://womenslaw.org/> [Legal information
and resources]

U.S. Embassy
<https://USEmbassy.gov>

National Stalking Resource Center
<https://victimsocri.me.org>

School and College Organization for Prevention Educators
Consent Statutes Listed by State:
<https://wearescope.org/reources/consent-statutes/#list>

National Teen Dating Abuse Helpline
1-866-331-9474
1-866-331-8453 (TTY)
<https://loveisrespect.org>

The White House Task Force to Protect Students from Sexual Assault
<https://NotAlone.Gov>

Tribal Coalition Resources

Ohio Domestic Violence Network
1-800-934-9840
<http://odvn.org>
<http://www.justice.gov/ovw/local-resources>

State Domestic Violence Coalition Resources

Ohio Domestic Violence Network
1-800-934-9840
<http://odvn.org>
<http://www.justice.gov/ovw/local-resources>

State Sexual Assault Coalition Resources

Ohio Alliance to End Sexual Violence
1-888-886-8388
www.oaesv.org
<http://www.justice.gov/ovw/local-resources>

CAMPUS SEX CRIMES PREVENTION ACT

The Campus Sex Crimes Prevention Act requires sex offenders already required to register in a State to provide notice, as required under State law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. The act requires that state procedures ensure this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate state records or data systems. These changes became effective two years after enactment of the law (2002).

This act amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect two years after enactment (2002).

This act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning

registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

To check registered sex offenders in a state see the State Sexual Offender Registry List section.

STATE SEXUAL OFFENDER REGISTRY LIST

ALABAMA

Website: <https://app.alea.gov/Community/wfSexOffenderSearch.aspx>

Phone Number: 334-353-1172

ALASKA

Website: <http://www.dps.alaska.gov/sorweb/sorweb.aspx>

Phone Number: 907-269-0396 or 80-658-8892 (outside Anchorage in Alaska)

ARIZONA

Website: <https://www.azdps.gov/services/public/offender>

Phone Number: 602-223-2000

ARKANSAS

Website: <https://www.ark.org/offender-search/index.php>

Phone Number: 501-682-2222

CALIFORNIA

Website: <http://www.meganslaw.ca.gov/>

Phone Number: 916-227-4974

COLORADO

Website: <https://www.colorado.gov/apps/cdps/sor/>

Phone Number: 303-239-4222

CONNECTICUT

Website: http://sheriffalerts.com/cap_main.php?office=54567

Phone Number: 860-685-8060

DELAWARE

Website: <https://sexoffender.dsp.delaware.gov/>

Phone Number: 302-739-5882

DISTRICT OF COLUMBIA

Website: <http://sexoffender.dc.gov/>

Phone Number: 202-727-4407

FLORIDA

Website: <https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf>

Phone Number: 888-357-7332

GEORGIA

Website: http://state.sor.gbi.ga.gov/sort_public/SearchOffender.aspx

Email Link: http://state.sor.gbi.ga.gov/sort_public/ContactUs.aspx

HAWAII

Website: <http://sexoffenders.ehawaii.gov/sexoffender/welcome.html>

Phone Number: 808-587-3350

IDAHO

Website: http://www.isp.idaho.gov/sor_id/

Phone Number: 208-884-7305

ILLINOIS

Website: <http://www.isp.state.il.us/sor/>

Phone Number: 217-785-0653

INDIANA

Website: <http://www.icrimewatch.net/indiana.php>

Phone Number: 800-622-4779

IOWA

Website: <http://www.iowasexoffender.com/>

Phone Number: 515-725-6050

KANSAS

Website: <http://www.accesskansas.org/kbi/ro.shtml>

Phone Number: 785-296-2841

KENTUCKY

Website: <http://kspsor.state.ky.us/>

Phone Number: 202-227-8700

LOUISIANA

Website: <http://www.lsp.org/socpr/default.html>

Phone Number: 800-858-0551

MAINE

Website: <http://sor.informe.org/cgi-bin/sor/index.pl>

Phone Number: 207-624-7270

MARYLAND

Website: <http://www.socem.info/>

Phone Number: 410-585-3600

MASSACHUSETTS

Website: <http://www.mass.gov/eopss/agencies/sorb/>

Phone Number: 978-740-6400

MICHIGAN

Website: http://www.communitynotification.com/cap_main.php?office=55242/

Phone Number: 517-241-1806

MINNESOTA

Website: <https://coms.doc.state.mn.us/PublicViewer/>

Phone Number: 651-361-7340

MISSISSIPPI

Website: <http://state.sor.dps.ms.gov/>

Phone Number: 601-987-1540

MISSOURI

Website: <http://www.mshp.dps.mo.gov/CJ38/search.jsp>

Phone Number: 888-767-6747

MONTANA

Website: <https://app.doj.mt.gov/apps/svow/>

Phone Number: 406-444-7068

NEBRASKA

Website: <https://sor.nebraska.gov/>

Phone Number: 402-471-8647

NEVADA

Website: <http://www.nvsexoffenders.gov/>

Phone Number: 775-684-6262

NEW HAMPSHIRE

Website: <http://business.nh.gov/NSOR/search.aspx>

Phone Number: 800-735-2964

NEW JERSEY

Website: <http://www.njsp.org/sex-offender-registry/index.shtml>

Phone Number: 609-882-2000

NEW MEXICO

Website:

http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==

Phone Number: 505-827-9297

NEW YORK

Website: http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

Phone Number: 800-262-3257

NORTH CAROLINA

Website: <http://sexoffender.ncsbi.gov/>

Email Link: <http://sexoffender.ncsbi.gov/contact.aspx>

NORTH DAKOTA

Website: <http://www.sexoffender.nd.gov/>

Phone Number: 701-328-2210

OHIO

Website: http://www.communitynotification.com/cap_main.php?office=55149

Phone Number: 866-406-4534

OKLAHOMA

Website: <https://sors.doc.state.ok.us/svor/f?p=119:5:0::NO>

Email Address: osor@doc.state.ok.us

OREGON

Website: <http://sexoffenders.oregon.gov/>

Phone Number: 503-934-1258

PENNSYLVANIA

Website: <http://www.pameganslaw.state.pa.us/>

Phone Number: 866-771-3170

PUERTO RICO

Website: <http://sor.cjis.pr.gov/>

Phone Number: 787-729-2121

RHODE ISLAND

Website: <http://www.paroleboard.ri.gov/sexoffender/agree.php>

Phone Number: 401-462-0905

SOUTH CAROLINA

Website: <http://scor.sled.sc.gov/ConditionsOfUse.aspx>

Phone Number: 803-896-2601

SOUTH DAKOTA

Website: <http://sor.sd.gov/>

Phone Number: 605-773-3331

TENNESSEE

Website: <https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>

Phone Number: 615-744-4000

TEXAS

Website: <https://records.txdps.state.tx.us/SexOffenderRegistry>

Phone Number: 855-481-7070

UTAH

Website: http://sheriffalerts.com/cap_main.php?office=54438

Phone Number: 801-495-7700

VERMONT

Website: <http://vcic.vermont.gov/sor>

Phone Number: 802-241-5400

VIRGINIA

Website: <http://sex-offender.vsp.virginia.gov/sor/>

Phone Number: 804-674-2825

WASHINGTON

Website: <http://www.icrimewatch.net/washington.php>

Phone Number: 360-486-2386

WEST VIRGINIA

Website: <https://apps.wv.gov/StatePolice/SexOffender/>

Phone Number: 304-746-2133

WISCONSIN

Website: <https://appsdoc.wi.gov/public>

Phone Number: 608-240-5830

WYOMING

Website: http://www.communitynotification.com/cap_main.php?office=55699

Phone Number: 307-777-7181

ALCOHOL AND SUBSTANCE ABUSE POLICY

Chamberlain University expects all members of its community; students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Chamberlain University forbids the use, possession, distribution or sale of drugs, except permitted substances when taken under a doctor's prescription and consistent with a doctor's instructions. Chamberlain University specifically prohibits the use, possession, distribution or sale of medical marijuana on its premises or at any Chamberlain University sponsored event. The unauthorized possession, distribution, sale or consumption of alcoholic beverages anywhere on Chamberlain University property or at Chamberlain University-sponsored events is also forbidden. Violation of state, federal or other local regulations with respect to illegal drugs or alcohol are subject to both criminal prosecution and campus disciplinary action. Please refer to the following sections for additional information: Drug Free Schools and Communities Act, Laws Regarding Alcohol and Drugs, School Sanctions, and Local Treatment Resources, and the Code of Conduct in the Student Handbook <http://www.chamberlain.edu/resources/academics/student-handbooks>.

DRUG FREE SCHOOLS & COMMUNITIES ACT

Educational Guidelines Pertaining to Drug Free Schools & Communities Act

Chamberlain University expects all members of its community including students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Students are also responsible for knowing school regulations concerning alcohol use on campus. Chamberlain University forbids the unauthorized use, possession, distribution or sale of drugs or alcohol by a student anywhere on Chamberlain University property. Violation of these laws or regulations may subject a student to both criminal prosecution and campus disciplinary action.

Use of illicit drugs and abuse of prescription drugs pose a serious threat to mental and physical health. Alcohol is a drug. Its use in even the smallest amounts may be harmful to some people, and when used to excess, alcohol is harmful to everyone. For this reason, responsible drinking is essential and is expected of those who choose to drink.

Substance

Alcohol (at .08 Blood Alcohol Concentration & Above)

Impaired motor abilities; reduced judgment; sleepiness; increased sexual desire but reduced ability to perform; nausea, vomiting; liver disorders-alcoholic hepatitis, alcoholic cirrhosis; cancer of the-tongue, mouth, throat, esophagus, liver, breast; fetal alcohol syndrome (most common symptom is mental retardation).

Cannabis Marijuana Hash/Hash Oil THC

Diminished-short term memory, motivation & cognition, coordination & concentration, oral communication, reaction time; anxiety & panic reactions; carcinogenic elements in smoke; damaged lungs & respiratory system.

Cocaine (includes Crack Cocaine)

Increased likelihood of risk taking; seizures; sleeplessness; paranoia; irregular heartbeat; can cause sudden death by stroke or heart failure, even in young users; cocaine psychosis (paranoia & hallucinations); ulceration of mucous

membranes in the nose; sexual dysfunction; during pregnancy can cause severe physical & emotional problems in babies.

Depressants, Tranquilizers, Barbiturates, Methaqualone

Dangerous effects when mixed with alcohol; calmness & relaxed muscles; slurred speech, staggering gait, loss of motor coordination; altered perceptions; respiratory depression which can result in coma or death; disruption of normal sleep cycle; during pregnancy-birth defects, brain tumors in children; tolerance develops severe withdrawal symptoms; physical & psychological dependence.

Other Stimulants (Excluding Cocaine), Amphetamines, Methamphetamines

Increased heart & respiratory rates; elevated blood; decreased appetite; headaches; blurred vision; dizziness; sleeplessness; anxiety; amphetamine psychosis-violent behavior, hallucinations, delusions, paranoia; drug tolerance & dependency; mood swings; ulcers; mental confusion.

Psychedelics, LSD, Mescaline, Psilocybin, Phencyclidine (PCP), MDMA (Ecstasy), MDA

Distorted sense of distance, space and time; blockage of pain sensations; nausea, vomiting & diarrhea; severe mood disorders, panic depression, anxiety; greater suggestibility & feelings of invulnerability; unpredictable reactions if drugs are "cut" with impurities; tolerance after (3-4 daily doses--higher doses are required to produce same effects).

Narcotics, Opium, Morphine, Codeine, Thebaine, Heroin, Methadone, Darvon, Demerol

Feeling of euphoria followed by drowsiness; nausea & vomiting; respiratory depression; central nervous system depression; use of unsterile needles promotes-AIDS, hepatitis B, endocarditis (infection in the heart); women dependent on opiates have multiple pregnancy complications-spontaneous abortions, still births, anemia, diabetes.

LAWS REGARDING ALCOHOL AND DRUGS

OHIO

In addition to the Federal laws, the State of Ohio has its own laws dealing with controlled substances.

DRUGS

§ 607.01 Definitions

As used in this chapter, certain terms are defined as follows:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal.

(b) "Controlled substance" means a drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V.

(c) "Dispense" means sell, leave with, give away, dispose of, or deliver.

(d) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.

(e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.

(f) "Manufacturer" means a person who plants, cultivates, harvests, processes, makes, prepares, or otherwise engages in any part of the production of a controlled substance by propagation, compounding, conversion, or processing, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container and other activities incident to production, except that this term does not include a pharmacist who prepares, compounds, packages, or labels a controlled substance as an incident to dispensing a controlled substance in accordance with a prescription and in the usual course of professional practice.

(g) "Marihuana" means all parts of any plant of the genus cannabis, whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or

preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

(h) “Noxious additive” means any element or compound designated by the State Board of Pharmacy for use as a safe and effective ingredient in any product containing the ingredient toluene, the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, that will discourage the intentional smelling or inhaling of the fumes of such product. A noxious additive shall not be added to such a product if such addition would make the product unsuitable for its intended use or adversely affect the performance of the product. The addition of a noxious additive to such a product is not required if the Board determines that the normal chemical composition of the product creates a level of noxiousness that is sufficient to discourage the intentional smelling or inhaling of the product’s fumes.

(i) “Official written order” means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law.

(j) “Pharmacist” means a person registered with the State Board of Pharmacy as a compounder and dispenser of drugs.

(k) “Pharmacy” means any area, room, rooms, place of business, department, or portion of any of the foregoing, where prescriptions are filled or where drugs, dangerous drugs, or poisons are compounded, sold, offered, or displayed for sale, dispensed, or distributed to the public.

(l) “Practitioner” means the following:

(1) A person who is licensed pursuant to RC Chapter 4715, 4731 or 4741 and authorized by law to write prescriptions for drugs or dangerous drugs;

(2) An advanced practice nurse authorized under RC 4723.56 to prescribe drugs and therapeutic devices.

(m) “Prescription” means a written or oral order for a controlled substance for the use of a particular person or a particular animal given by a practitioner in the course of professional practice and in accordance with the regulations promulgated by the Director of the United States Drug Enforcement Administration, pursuant to the Federal drug abuse control law.

(n) “Sale” includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each such transaction made by any person whether, as principal, proprietor, agent, servant, or employee.

(o) “Schedule I”, “Schedule II”, “Schedule III”, “Schedule IV” and “Schedule V” mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to RC 3719.41, as amended pursuant to RC 3719.43 or 3719.44.

(p) “Wholesaler” means a person who, on official written orders other than prescriptions, supplies controlled substances that he or she himself or herself has not manufactured, produced, or prepared and includes “wholesale distributor of dangerous drugs” as this term is defined in RC 4729.02.

(RC 3719.01)

(q) “Drug of abuse” means any controlled substance as defined in division (b) of this section, any harmful intoxicant as defined in division (x) of this section and any dangerous drug as defined in division (r) of this section.

(RC 3719.011)

(r) “Dangerous drug” means any of the following:

(1) Any drug which, under the “Federal Food, Drug and Cosmetic Act”, Federal narcotic law, RC 3715.01 to 3715.22 or RC Chapter 3719, may be dispensed only upon a prescription;

(2) Any drug which contains a Schedule V controlled substance and which is exempt from RC Chapter 3719 or to which such chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(RC 4729.02)

(s) “Bulk amount” of a controlled substance has the same meaning as in RC 2925.01, as that section may be amended.

(t) “Unit dose” means an amount or unit of a compound, mixture, or preparation containing a controlled substance, such amount or unit being separately identifiable and in such form as to indicate that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

- (u) “Cultivate” includes planting, watering, fertilizing, or tilling.
 - (v) “Drug abuse offense” means any of the following:
 - (1) A violation of Sections [607.02](#) to [607.08](#), [607.12](#) or [607.14](#) of this chapter or RC 2925.02, 2925.03, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37.
 - (2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (v)(1) of this section.
 - (3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element.
 - (4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit, any offense under division (v)(1), (2), or (3) of this section.
 - (w) “Felony drug abuse offense” means any drug abuse offense that would constitute a felony under the laws of this State, except a violation of RC 2925.11.
 - (x) “Harmful intoxicant” does not include beer or intoxicating liquor, but means any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:
 - (1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, and any other preparation containing a volatile organic solvent;
 - (2) Any aerosol propellant;
 - (3) Any fluorocarbon refrigerant;
 - (4) Any anesthetic gas.
 - (y) “Manufacture” means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.
 - (z) “Possess” or “possession” means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
 - (aa) “Sample drug” means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a practitioner, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
 - (bb) “Standard pharmaceutical reference manual” means the current edition, with cumulative changes if any, of any of the following reference works:
 - (1) *The National Formulary*;
 - (2) *The United States Pharmacopeia*, prepared by authority of the United States Pharmacopeial Convention, Inc.;
 - (3) Other standard references that are approved by the State Board of Pharmacy.
 - (cc) “Juvenile” means a person under eighteen (18) years of age.
- (RC 2925.01; Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 607.02 Gift of Marihuana

- (a) No person shall knowingly give or offer to make a gift of twenty (20) grams or less of marihuana.
 - (b) Whoever violates this section is guilty of trafficking in marihuana, a minor misdemeanor for the first offense and a misdemeanor of the third degree for any subsequent offense. If, the offense was committed in the vicinity of a school or in the vicinity of a juvenile, the violation is a misdemeanor of the third degree.
- (RC 2925.03; Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 607.03 Drug Abuse: Controlled Substance Possession or Use

- (a) No person shall knowingly obtain, possess, or use a controlled substance.
- (b) This section does not apply to the following:

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with RC Chapters 3719, 4715, 4723, 4729, 4731, and 4741;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

(4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(c) Whoever violates this section is guilty of drug abuse, and shall be sentenced as follows:

(1) If the drug involved is a compound, mixture, preparation or substance included in Schedule III, IV or V, and the amount of drug involved is less than the bulk amount, drug abuse is a misdemeanor of the third degree, and if the offender has previously been convicted of a drug abuse offense, drug abuse is a misdemeanor of the second degree;

(2) If the drug involved is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, and the amount is less than two hundred (200) grams drug abuse is a misdemeanor of the first degree, unless the amount of marihuana involved is less than one hundred (100) grams, in which case drug abuse is a minor misdemeanor;

(3) If the drug involved is an anabolic steroid included in Schedule III, and the amount involved is less than the bulk amount, drug abuse is a misdemeanor of the third degree and, in lieu of sentencing an offender to a definite or indefinite term of imprisonment in a detention facility, the court may place the offender on conditional probation pursuant to division (F) of RC 2951.02, unless the offender previously has been convicted of a drug abuse offense, in which case drug abuse is a misdemeanor of the second degree.

(d) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

(RC 2925.11; Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 607.04 Possessing Drug Abuse Instruments

(a) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing whose customary and primary purpose is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article, or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with RC Chapters 3719, 4715, 4729, 4731 and 4741 or RC 4723.56.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender has previously been convicted of a drug abuse offense, a violation of this section is a misdemeanor of the first degree.

(RC 2925.12; Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 607.05 Permitting Drug Abuse

(a) No person who is the owner, operator, or person in charge of a locomotive, watercraft, aircraft, or other vehicle as defined in division (A) of RC 4501.01, shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person who is the owner, lessee, or occupant, or who has custody, control, or supervision, of premises or real estate, including vacant land, shall knowingly permit premises or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(RC 2925.13)

(c) No person, being the owner, lessee, occupant, or having custody, control, or supervision of premises, or real estate, including vacant land, shall recklessly permit the premises to be used for the commission of a drug trafficking offense under any provision of this chapter or RC Chapter 2925 or 3719 after the receipt of written notice from a law enforcement officer that a drug trafficking offense under any provision of this chapter or RC Chapter 2925 or 3719 has previously occurred on the premises, or real estate. In multiple unit dwellings, including hotels or motels, the notice provided for in this division shall state the names of the parties and the specific unit involved.

The notice required by this division shall be delivered by certified mail, restricted delivery and return receipt requested, or, if the certified mailing fails to result in delivery of the notice, by personal service. The notice required by this division shall identify the sender, identify the nature of the drug activity occurring on the premises and bear the date of such notice.

It shall be prima facie evidence that the owner or lessor did not recklessly permit the premises to be used for the commission of a drug trafficking offense on the premises if:

(1) The owner or lessor has begun the process of evicting the person or persons committing the drug offense, including sending a notice of eviction; or

(2) The owner or lessor has identified for the police in writing and in a timely manner after receipt of the notice required by this division of the steps that the owner or lessor has commenced to prevent the commission of additional drug trafficking offenses on the premises.

This division (c) shall not apply to any owner or lessor who has filed an action for forcible entry and detainer to remove a lessee or occupant from the premises.

(d) Premises or real estate, including vacant land, used in violation of division (b) or (c) of this section and where a felony violation of RC Chapter 2925 or 3719 occurs constitute a nuisance subject to abatement pursuant to RC Chapter 3767.

(e) Vehicles used in violation of division (a) hereof shall be seized and forfeited to the City, upon motion to the Common Pleas Court. Forfeiture shall not apply to common carriers or innocent owners, nor shall they affect the rights of a holder of a valid lien.

(f) Whoever violates divisions (a) or (b) of this section is guilty of permitting drug abuse, a misdemeanor of the first degree, if the offender has not previously been convicted of a drug abuse offense. Notwithstanding any other section of this Code, at least thirty (30) days imprisonment is mandatory upon conviction of an offense under this division.

(g) Whoever violates division (c) of this section is guilty of recklessly permitting drug abuse, a misdemeanor of the third degree. Notwithstanding any other section of this Code, at least ten (10) days imprisonment is mandatory upon conviction of a second offense under this division and at least thirty (30) days imprisonment is mandatory upon conviction of a third or subsequent offense under this division.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 607.06 Deception to Obtain Dangerous Drugs – Repealed

(Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 607.07 Possessing or Using Harmful Intoxicants

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever has not previously been convicted of a drug abuse offense and who violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree.

(c) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall suspend for not less than six (6) months or more than five (5) years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with RC 2925.38.

(RC 2925.31; Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

Imprisonment is mandatory upon conviction of a second offense under this division and at least thirty (30) days imprisonment is mandatory upon conviction of a third or subsequent offense under this division.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

This division (c) shall not apply to any owner or lessor who has filed an action for forcible entry and detainer to remove a lessee or occupant from the premises.

(d) Premises or real estate, including vacant land, used in violation of division (b) or (c) of this section and where a felony violation of RC Chapter 2925 or 3719 occurs constitute a nuisance subject to abatement pursuant to RC Chapter 3767.

(e) Vehicles used in violation of division (a) hereof shall be seized and forfeited to the City, upon motion to the Common Pleas Court. Forfeiture shall not apply to common carriers or innocent owners, nor shall they affect the rights of a holder of a valid lien.

(f) Whoever violates divisions (a) or (b) of this section is guilty of permitting drug abuse, a misdemeanor of the first degree, if the offender has not previously been convicted of a drug abuse offense. Notwithstanding any other section of this Code, at least thirty (30) days imprisonment is mandatory upon conviction of an offense under this division.

(g) Whoever violates division (c) of this section is guilty of recklessly permitting drug abuse, a misdemeanor of the third degree. Notwithstanding any other section of this Code, at least ten (10) days imprisonment is mandatory upon conviction of a second offense under this division and at least thirty (30) days imprisonment is mandatory upon conviction of a third or subsequent offense under this division.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 607.071 Possessing or Using Toluene

(a) Except for lawful research, clinical, medical, dental, veterinary, industrial or manufacturing purposes, no person, with intent to induce intoxication or similar physiological effects, shall obtain, possess or use toluene, also known as toluol, methylbenzene, phenylmethane or methacide.

(b) Except for lawful research, clinical, medical, dental, veterinary, industrial or manufacturing purposes, no person shall possess toluene, also known as toluol, methylbenzene, phenylmethane or methacide, in a portable container unless the container is constructed of metal, has a tight closure, and is fitted with a spout or so designed that the contents can be poured without spilling.

(c) No person shall possess toluene in any container not clearly marked with the name of the product.

(d) No person shall possess toluene in any container not the original container unless the container is clearly labeled.

(1) Any product containing ten percent (10%) or more by weight of toluene shall be labeled with the signal word "Danger", the statement of hazard "Harmful or fatal if swallowed", and the statement "If swallowed, do not induce vomiting. Call physician immediately."

(2) Any product containing ten percent (10%) or more by weight of toluene shall bear the statement of hazard "Vapor harmful" in addition to the statements prescribed in subsection (d)(1) hereof.

(e) Whoever violates this section is guilty of improperly possessing or using toluene, a misdemeanor of the second degree. If the offender has previously been convicted of a drug abuse offense, improperly possessing or using toluene is a misdemeanor of the first degree, for which at least three (3) days' imprisonment is mandatory.

(Ord. 2440-77. Passed 9-26-77, eff. 9-26-77)

§ 607.08 Illegally Dispensing Drug Samples

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, dentists, doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatry, veterinarians, and other persons whose conduct is in accordance with RC Chapters 3719, 4715, 4729, 4731 and 4741 or to optometrists whose conduct is in accordance with a valid therapeutic pharmaceutical agents certificate issued under RC Chapter 4725.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples if the drug involved is marijuana or a compound, mixture, preparation or substance included in Schedule III, IV or V. For a first offense an offender

is guilty of a misdemeanor of the second degree, and if the offender has previously been convicted of a drug abuse offense, illegal dispensing of drug samples is a misdemeanor of the first degree.
(RC 2925.36; Ord. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 607.09 Controlled Substance or Prescription Labels

(a) No person shall alter, deface or remove any label affixed by a manufacturer, wholesaler, pharmacist or practitioner who dispenses a controlled substance in a package or container, as long as any of the original contents remain, except when lawfully filling a prescription.
(RC 3719.08)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, RC 3719.07 or 3719.08 or a drug abuse offense.
(RC 3719.99(C); Ord. No. 1692-76. Passed 6-29-76, eff. 7-6-76)

§ 607.091 Toluene Labels

(a) No person shall alter, deface or remove any label affixed by a manufacturer, wholesaler, pharmacist or practitioner who dispenses toluene, also known as toluol, phenylmethane, methylbenzene or methacide, in a package or container, as long as any of the original contents remain.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, RC 3719.07 or 3719.08, or a drug abuse offense.
(Ord. No. 2440-77. Passed 9-26-77, eff. 9-26-77)

§ 607.10 Hypodermic Possession, Display and Dispensing

(a) Possession of a hypodermic is authorized for:

(1) Any manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of such manufacturer, distributor or dealer, in the regular course of business;

(2) Any terminal distributor of dangerous drugs, in the regular course of business;

(3) Any person authorized to administer injections, in the regular course of the person's profession or employment;

(4) Any person, when the hypodermic in his or her possession was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed by a licensed health professional authorized to prescribe drugs for the treatment of disease;

(5) Any person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;

(6) Any farmer, for the lawful administration of a drug to an animal;

(7) Any person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) hereof shall negligently fail to take reasonable precautions to prevent any hypodermic in his or her possession from theft or acquisition by any unauthorized person.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, RC 3719.05, 3719.06, 3719.13, 3719.172(B), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree.

(RC 3719.99(D); Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 607.11 Sale of Harmful Intoxicants to Minors Prohibited

(a) No person shall sell, barter or give away any harmful intoxicant, to a person under the age of eighteen (18) years or to a mentally or physically handicapped person under the age of twenty-one (21) years, unless such minor is accompanied by his or her parent, other adult member of such minor's family, legal guardian or person in loco parentis.

(b) It is an affirmative defense under this section if the actor was actively misled or deceived by the presentation of written or printed information, presented by the minor, relating to the age and identity of such minor.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. No. 1692-76. Passed 6-29-76, eff. 7-6-76)

§ 607.111 Sale of Toluene to Minors Prohibited

(a) No person shall knowingly sell, barter or give away any toluene, also known as toluol, methylbenzene, phenylmethane or methacide, to any person under the age of eighteen (18) years or to a mentally or physically handicapped person under the age of twenty-one (21) years unless such minor is accompanied by his or her parent, other adult member of such minor's family, legal guardian or person in loco parentis.

(b) It is an affirmative defense under this section if the actor was actively misled or deceived by the presentation of written or printed information, presented by the minor, relating to the age and identity of such minor.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. At least three (3) days' imprisonment is mandatory under this section.

(d) This section shall not apply to toluene containing a noxious additive designated by the state board of pharmacy pursuant to RC 2925.32.

(Ord. No. 2440-77. Passed 9-26-77, eff. 9-26-77)

§ 607.12 Distribution of Nitrous Oxide

(a) No person who dispenses or distributes nitrous oxide in cartridges shall fail to comply with either of the following:

(1) The record-keeping requirements established under division (F) of RC 2925.32;

(2) The labeling and transaction identification requirements established under division (G) of RC 2925.32.

(b) Whoever violates this section is guilty of improperly dispensing or distributing nitrous oxide, a misdemeanor of the fourth degree.

(RC 2925.32; Ord No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 607.13 Sale of Marihuana Paraphernalia to Juveniles

(a) As used in this section, "paraphernalia for the use of marihuana" means any instrument, device, article or thing, whether or not of crude or extemporized manufacture or assembly, that is used or intended for use for any of the following:

(1) Preparing marihuana for ingestion, inhalation or other introduction into the human body;

(2) Ingesting, inhaling or otherwise introducing marihuana into the human body;

(3) Enhancing the effect of marihuana upon the human body;

(4) Testing the strength, effectiveness or purity of marihuana.

(b) No person shall knowingly sell or offer to sell paraphernalia for the use of marihuana to any juvenile.

(c) The following are affirmative defenses to a charge under this section:

(1) The defendant is the parent, guardian or custodian of the juvenile involved;

(2) The juvenile involved, at the time the paraphernalia for the use of marihuana was sold or offered for sale to him or her, was accompanied by his or her parent, guardian or custodian who, with knowledge that the paraphernalia sold or offered for sale would be used or was intended for use for a purpose set forth in division (a)(1), (2), (3), or (4) of this section, consented to the paraphernalia for the use of marihuana being sold or offered for sale to the juvenile;

(3) The juvenile involved exhibited to the defendant or his or her agent or employee a draft card, driver's license, birth certificate or other official or apparently official document purporting to show that the juvenile was eighteen (18) years of age or older, and the person to whom the document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under eighteen (18) years of age.

(d) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with RC Chapters 3719, 4715, 4729, 4731 or 4741.

(e) Whoever violates this section is guilty of selling paraphernalia for the use of marihuana to juveniles, a misdemeanor of the first degree.

(Ord. No. 1414-86. Passed 11-3-86, eff. 11-5-86)

§ 607.14 Counterfeit Controlled Substances

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) As used in this section, "counterfeit controlled substance" means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to such trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(c) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.

(d) The provisions of this section shall not apply to a practitioner, pharmacist, pharmacy owner or other person whose conduct is in accordance with RC Chapters 3715, 3719, 4715, 4729, 4731 and 4741. The provisions of this section also shall not apply to a person who has been previously convicted of violation of RC 2925.37. (RC 2925.37; Ord. No. 1414-86. Passed 11-3-86, eff. 11-5-86)

§ 607.15 Illegal Distribution of Cigarettes, Other Tobacco Products or Alternative Nicotine Products

(a) As used in this section:

(1) A. "Alternative nicotine product" means, subject to division (a)(1)B. of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

B. "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h).

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(2) "Child" has the same meaning as in RC 2151.011.

(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, or papers used to roll cigarettes.

(5) A. "Electronic cigarette" means, subject to division (a)(5)B. of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.

B. "Electronic cigarette" does not include any item, product, or device described in the definition of alternative nicotine product contained in this section.

(6) "Tobacco product" means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.

(7) "Vending machine" has the same meaning as "coin machine" in RC 2913.01.

(b) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, and no agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any child;

(2) Give away, sell or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes to a person under eighteen (18) years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that child;

(4) Manufacture, sell, or distribute in this City any pack or other container of cigarettes or alternative nicotine products containing fewer than twenty (20) cigarettes or any package of roll-your-own tobacco containing less than six-tenths (0.6) of one (1) ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Sell other tobacco products in a smaller quantity than was intended for retail when the product was packaged by the manufacturer.

(c) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine except in the following locations:

(1) An area either:

A. Within a factory, business, office, or other place not open to the general public; or

B. To which persons under the age of eighteen (18) years are not generally permitted access;

(2) In any other place not identified in division (c)(1) of this section, upon all of the following conditions:

A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person.

B. The vending machine is inaccessible to the public when the place is closed.

(d) The following are affirmative defenses to a charge under division (b)(1) of this section:

(1) The child was accompanied by a parent, spouse who is eighteen (18) years of age or older, or legal guardian of the child;

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child under division (b)(1) of this section is a parent, spouse who is eighteen (18) years of age or older, or legal guardian of the child.

(e) It is not a violation of division (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

(1) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.

(2) An institutional human subjects protection review board, or equivalent entity, has approved the research protocol.

(3) The child is participating in the research protocol at the facility or location specified in the research protocol.

(f) (1) Whoever violates division (b)(1), (2), (4), or (5) or division (c) is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender has previously been convicted of a violation of division (b)(1), (2), (4), or (5) or division (c) of this section or divisions (B)(1), (2), (4), or (5) or (C) of RC 2927.02, then illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(2) Whoever violates division (b)(3) of this section is guilty of permitting children to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (b)(3) of this section or division (B)(3) of RC 2927.02, permitting children to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a child in violation of this section and that are used, possessed, purchased, or received by a child in violation of RC 2151.87 are subject to seizure and forfeiture as contraband under RC Chapter 2981.

(RC 2927.02; Ord. No. 474-14. Passed 6-2-14, eff. 8-1-14)

§ 607.16 Definitions

(a) “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(1) Kits used, intended for use, or designated for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

A. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

B. Water pipes;

C. Carburetion tubes and devices;

D. Smoking and carburetion masks;

E. Roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

F. Miniature cocaine spoons and cocaine vials;

G. Chamber pipes;

H. Carburetor pipes;

I. Electric pipes;

J. Air driver pipes;

K. Chillums;

L. Bongs;

M. Ice pipes or chillers.

(b) In determining whether an object is “Drug paraphernalia”, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any City, State or Federal law relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of this chapter;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner or of anyone in control of the object as to a direct violation of this chapter shall not prevent a finding that the object is intended for use or designed for use as “Drug paraphernalia”;
- (7) Instruction, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 607.17 Possession, Manufacture and Sale of Drug Paraphernalia

(a) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.

(b) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.

(c) It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(d) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with RC Chapters 3719, 4715, 4729, 4731 and 4741. This section shall not be construed to prohibit any possession, manufacture or use of hypodermics made lawful by Section [607.10](#) of the General Offenses Code of the Codified Ordinances.

(e) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Municipality.

(f) If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(Ord. No. 2797-88. Passed 5-8-89, eff. 5-9-89)

§ 607.18 Penalty

Whoever violates any of the provisions of divisions (a), (b) or (c) of Section [607.17](#) is guilty of a misdemeanor of the second degree. If the offender has previously been convicted of a violation of divisions (a), (b) or (c) of Section [607.17](#), any subsequent violation of the same paragraph is a misdemeanor of the first degree.

(Ord. No. 2797-88. Passed 5-8-89, eff. 5-9-89)

§ 607.19 Drug-Related Activities Prohibited

(a) *Findings.* This Council finds that persons selling illegal drugs engage in behavior that is readily recognizable by citizens and law enforcement officers as illegal drug activity that the offenders commonly attempt to frustrate law enforcement efforts by carrying the illegal drugs in their mouths, and swallowing or attempting to swallow the drugs if approached by a law enforcement officer. This Council further finds that the drug-related conduct prohibited by this section constitutes a nuisance, adversely affects the quality of life in the neighborhoods of the City, and threatens the public health, safety and welfare.

(b) *Offense.* No person shall engage in the following conduct in, on or about any street, in or about any place open to the public, or in or about any public or private place with the specific intent to engage in drug-related activity contrary to any of the provisions of RC Chapters 2925 or 4729 or Chapter [607](#) of these Codified Ordinances:

(1) To repeatedly stop, beckon to, attempt to stop, or engage passersby in conversation; or

(2) To repeatedly stop, beckon to, or attempt to stop motor vehicles by hailing, waving arms or making other bodily gestures; or

(3) To act as a look-out; or

(4) To transfer small objects or packages for currency or any other thing of value in a furtive fashion which would lead an observer to believe or ascertain that a drug sale has or is about to occur; or

(5) To carry small objects or packages in one's mouth and to transfer such objects or packages to another person for currency or any other thing of value, or to swallow or attempt to swallow the objects or packages if approached by a law enforcement officer.

(c) *Prima Facie Case.* A prima facie case may be established by a law enforcement officer's observations of the offender's behavior. The seizure or recovery of illegal drugs shall not be a prerequisite to establishing a prima facie case.

(d) *Rebuttable Presumption.* A person shall be reputably presumed to have the specific intent to engage in drug-related activity contrary to any of the provisions of RC Chapters 2925 or 4729 or Chapter [607](#) of these Codified Ordinances if the person persists in one (1) or more of the behaviors described in division (b) after a law enforcement officer gives the person reasonable warning to desist, and the person:

(1) Is a known unlawful drug user, possessor or seller as defined in division (e) of this section; or

(2) Displays the physical characteristics of drug intoxication or usage, including dilated pupils, glassy eyes, slurred speech, loss of coordination or motor skills, or needle tracks; or

(3) Is identified by a law enforcement officer as a member of a gang or association which has as its principal purpose illegal drug activity.

(e) *Definition.* For purposes of this section, a "known unlawful drug user, possessor or seller" means a person who, within the knowledge of the arresting officer, either:

(1) Has been convicted in any court within this state, within five (5) years prior to the date of arrest, of any violation involving the use, possession or sale of any of the substances referred to in RC Chapters 2925 or 4729 or Chapter [607](#) of the Codified Ordinances of Cleveland, Ohio, 1976, or any substantially similar laws of any political subdivision of the state; or

(2) Has been charged two (2) or more times, within one (1) year prior to the date of arrest, for a violation involving the use, possession or sale of any of the substances referred to in RC Chapters 2925 and 4729 or Chapter [607](#) of the Codified Ordinances of Cleveland, Ohio, 1976, or any substantially similar laws of any political subdivision of the state.

(f) *Severability.* If any provision of this section or the application of it to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(g) *Penalty.* Whoever violates the provisions of this section is guilty of engaging in prohibited drug-related activity, a misdemeanor of the first degree.

(Ord. No. 1163-95. Passed 6-19-95, eff. 6-28-95)

§ 607.20 Soliciting Drug Sales

(a) No person shall solicit another person to sell any controlled substance.

(b) This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with RC Chapters 3719, 4715, 4729, 4731, and 4741 or to any activity prohibited by RC Chapter 2925.

(c) Whoever violates this section is guilty of soliciting drug sales, a misdemeanor of the first degree. (Ord. No. 774-91. Passed 4-29-91, eff. 5-1-91)

ALCOHOL

§ 617.01 Definitions

As used in the Codified Ordinances:

(a) “Alcohol” means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Alcohol does not include denatured alcohol and wood alcohol.

(b) “Intoxicating liquor” and “liquor” include all liquids and compounds, other than beer as defined in division (c) of this section containing one-half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether or not the same are medicated, proprietary or patented. The phrase includes wine as defined in RC 4301.01 even if it contains less than four percent (4%) of alcohol by volume, mixed beverages as defined in RC 4301.01 even if they contain less than four percent (4%) of alcohol by volume, cider, as defined in RC 4301.01, alcohol and all solids and confections which contain any alcohol.

(c) “Beer”, “malt liquor” or “malt beverages” includes all brewed or fermented malt products containing one-half of one percent (0.5%) or more of alcohol by volume but not more than six percent (6%) of alcohol by weight.

(d) “Person” includes firms and corporations.

(e) “Cider” means all liquids fit to use for beverage purposes that contain one-half of one per cent (0.5%) of alcohol by volume, but not more than six per cent (6%) of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

(RC 4301.01; Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 617.02 Sales to and Use by Minors; Securing Public Accommodations

(a) Except as otherwise provided in this chapter or RC Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or buy beer or intoxicating liquor for, or furnish it to, an underage person, unless given by a physician in the regular line of his or her practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, his or her employee or agent charged with a violation of this division shall, for the same offense, be charged with a violation of division (A)(1) of RC 4301.22.

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person’s parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person’s possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that public place, unless the owner authorizes or acquiesces in the lessee’s acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he or she knows or has reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not himself or herself an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

(d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not accompanied by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that he or she is twenty-one (21) years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the beer or intoxicating liquor is given by a physician in the regular line of his or her practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or divisions (a) to (d) of Section [617.021](#).

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

(1) "Drug of abuse" has the same meaning as in RC 3719.011.

(2) "Hotel" has the same meaning as in RC 3731.01.

(3) "Minor" means a person under the age of eighteen (18) years.

(4) "Practitioner" and "prescription" have the same meanings as in RC 3719.01.

(5) "Underage person" means a person under the age of twenty-one (21) years.

(RC 4301.69)

(i) Whoever violates division (b), (c), (d), (e), or (f) of this section is guilty of a misdemeanor of the first degree. Whoever violates division (a) of this section is guilty of a misdemeanor, shall be fined not less than five hundred (\$500.00) and not more than one thousand dollars (\$1,000.00), and, in addition to the fine, may be imprisoned for a definite term of not more than six (6) months.

(RC 4301.99)

(j) The provisions of this section relating to the attempted purchase, purchase, sale, possession or consumption of beer apply only to persons who on July 31, 1987, are less than nineteen (19) years of age.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 617.021 Purchase, Consumption or Possession by Minor; Misrepresentation

(a) Except as otherwise provided in this chapter or RC Chapter 4301, no person under the age of twenty-one (21) years shall purchase beer or intoxicating liquor.

(RC 4301.63)

(b) Except as otherwise provided in this chapter or RC Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one (21) years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one (21) years of age, by purchase, or as a gift.

(RC 4301.633)

(c) Except as otherwise provided in this chapter or RC Chapter 4301, no person under the age of twenty-one (21) years shall knowingly show or give false information concerning his or her name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the State Division of Liquor Control or sold by the State Division of Liquor Control.

(RC 4301.634)

(d) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (a) of this section, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of division (a) of this section may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.
(RC 4301.99(F))

(3) Whoever violates division (c) of this section is guilty of a misdemeanor of the first degree. If, in committing a first violation of that section, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty (\$250.00) and not more than one thousand dollars (\$1,000.00), and may be sentenced to a term of imprisonment of not more than six (6) months.

(4) On a second violation of division (c) of this section or if the offender has violated RC 4301.634 once in the past on a first violation of division (c) of this section in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred (\$500.00) nor more than one thousand dollars (\$1,000.00), and may be sentenced to a term of imprisonment of not more than six (6) months. The court also may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding sixty (60) days.

(5) On a third or subsequent violation of division (c) of this section or if the offender has violated RC 4301.634 one (1) or more times in the past, on a first or subsequent violation of division (c) of this section if the total violations of this section and RC 4301.634 is three (3) or more, in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred (\$500.000) nor more than one thousand dollars (\$1,000.00), and may be sentenced to a term of imprisonment of not more than six (6) months. The court also shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period of ninety (90) days, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one (21) years. The court also may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
(Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 617.03 Sales to Intoxicated Persons

(a) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person.

(b) No intoxicating liquor shall be sold to any individual who habitually drinks intoxicating liquor to excess, or to whom the department has, after investigation, determined to prohibit the sale of such intoxicating liquor, because of cause shown by the husband, wife, father, mother, brother, sister, or other person dependent upon, or in charge of such individual, or by the mayor of any municipal corporation, or a township trustee of any township in which the individual resides. The order of the State Division of Liquor Control in such case shall remain in effect until revoked by the State Division of Liquor Control.

(RC 4301.22(B), (C))

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.
(RC 4301.99(D); Ord. No. 834-03. Passed 6-10-03, eff. 6-12-03)

§ 617.04 Liquor Consumption in Motor Vehicle

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in division (D) of RC 4301.62.

(RC 4301.64)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(RC 4301.99(B); Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 617.05 Permit Required

(a) No person by himself or herself or by his or her clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in the City, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol in or into the City for delivery, use or sale, unless such person has fully complied with RC Chapters 4301 and 4303 or is the holder of a permit issued by the Department of Liquor Control and in force at the time.

(RC 4303.25)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

§ 617.06 Printed Warnings to be Posted

(a) Every place in the City where beer, intoxicating liquor, or any low-alcohol beverage is sold for beverage purposes, either under a permit issued by the Ohio Department of Liquor Control, or by the Ohio Department of Liquor Control shall display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the Department and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE

If you are under the age of 21

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or possess or consume beer or intoxicating liquor, in any public place, or furnish false information as to name, age or other identification, you are subject to a fine of up to one thousand dollars (\$1,000.00), or imprisonment up to six (6) months, or both.

If you are under the age of 18

Under the statutes of the State of Ohio, if you order, pay for, share the cost of, or attempt to purchase, or possess or consume, any type of beer or wine that contains either no alcohol or less than one-half of one per cent (0.5%) of alcohol by volume in any public place, or furnish false information as to name, age, or other identification, you are subject to a fine of up to two hundred fifty dollars (\$250.00) or to imprisonment up to thirty (30) days, or both.

No person shall be subject to any criminal prosecution or any proceedings before the Department or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card.

(b) Every place in the City for which a D permit has been issued under RC Chapter 4303 shall be issued a printed card, that shall be furnished by the Department of Liquor Control that shall read substantially as follows:

WARNING

If you are carrying a firearm

Under the statutes of Ohio, if you possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under RC Chapter 4303, you may be guilty of a felony and are subject to a term of actual incarceration of one (1) or two (2) years.

No person shall be subject to any criminal prosecution or any proceedings before the Department of Liquor Control or the Liquor Control Commission for failing to display this card. No permit issued by the Department shall be suspended, revoked or canceled because of the failure of the permit holder to display this card.

(RC 4301.637; Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

§ 617.07 Open Container Prohibited; Exception

(a) As used in this section, “street”, “highway”, and “motor vehicle” have the same meanings as in RC 4511.01.

(b) No person shall have in his or her possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) In a state liquor store;
- (2) On the premises of the holder of any permit issued by the department of liquor control;
- (3) In any other public place;
- (4) While operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;
- (5) While being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) This section does not apply to beer or intoxicating liquor which has been lawfully purchased for consumption on the premises where bought of a holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-7, E, F, or F-2 permit, or to beer or intoxicating liquor consumed on the premises of a convention facility as provided in RC 4303.201.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(RC 4301.62; Ord. No. 1011-95. Passed 8-23-95, eff. 9-1-95)

§ 617.08 Hours of Sale or Consumption

(a) No beer or other malt beverages shall be sold by, delivered by, or be permitted to be consumed on week days upon the premises of a C-1, C-2, D-1, D-2 or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No wine, prepared highballs, cocktails or other mixed drinks, as defined in the Liquor Control Act, shall be sold, delivered or be permitted to be consumed on week days upon the premises of an A-2, C-2, D-2 or D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered or be permitted to be consumed on week days on the premises of a D-3a, D-5, D-5a or A-1-A permit holder between the hours of 2:30 a.m. and 5:30 a.m., and no intoxicating liquor shall be sold, delivered or be permitted to be consumed on week days on the premises of a D-3 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No beer or intoxicating liquor shall be sold, delivered or be permitted to be consumed on week days on the premises of a D-4 permit holder between the hours of 1:00 a.m. and 5:30 a.m.

No intoxicating liquor may be sold by, delivered or be permitted to be consumed on the premises of any permit holder during the hours between 1:00 a.m. on Sunday and Sunday midnight, except on the premises of a D-3a, D-5, D-5a or an A-1-A permit. As to holders of these excepted classes, no intoxicating liquor shall be sold or permitted to be consumed after 2:30 a.m. on Sunday.

No beer whether by the package or by the glass shall be sold or delivered or be consumed on the premises of a permit holder on Sunday between the hours of 1:00 a.m. and 5:30 a.m. except on the premises of a holder of a D-3a permit who is also the holder of a D-1 permit or the holder of a D-5, D-5a or A-1-A permit. As to these excepted classes neither shall sell, deliver or permit to be consumed on the premises, beer between the hours of 2:30 a.m. and 5:30 a.m.

The holder of a D-6 permit may sell or allow the consumption of intoxicating liquors, as authorized by his or her other permits, between the hours of 1:00 p.m. Sunday and Sunday midnight for on the premises consumption only.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

§ 617.09 Bottle Clubs

(a) No person, club, organization, association or corporation shall:

- (1) Keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of providing a storage area wherein members, guests or other persons are allowed to keep and maintain for the purpose of consumption therein, beer and intoxicating liquors;

- (2) Occupy any place, structure, building or conveyance for the purpose of providing a storage area wherein members, guests or other persons are allowed to keep and maintain, for the purpose of consumption therein, beer and intoxicating liquors;

- (3) Receive, or offer or agree to receive, any person into any place, structure, building or conveyance for the purpose of allowing such person to consume or store liquors or beer therein, or permit any person to remain there for such purpose;

(4) Reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of storing or consuming beer or intoxicating liquors therein.

(b) This section does not apply to any premises being operated under the authority of a license issued by the Ohio Department of Liquor Control.

(c) Whoever violates this section is guilty of unlawful operation or use of a bottle club, a misdemeanor of the third degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

§ 617.10 Conveying Intoxicating Liquors or Drugs into Hospital

(a) No person shall convey or attempt to convey into any hospital, sanitarium or other place of confinement for the ill or convalescent, other than a private dwelling, any intoxicating liquor or a stimulating sedative or narcotic medicine such as cocaine, opium, chloral, chloroform or ether, except in accordance with the rules of the institution involved or unless the same is prescribed by a physician in attendance at such institution; nor shall any person admitted as a patient at any such hospital, sanitarium or other place of confinement for the ill or convalescent, other than a private dwelling, have in his or her possession, or attempt to induce others to obtain for him or her, any such liquor or drug unless the same is authorized by a physician in attendance at such institution nor shall any person in the employ of any hospital, sanitarium or other place of confinement for the ill or convalescent, other than a private dwelling, knowingly permit a patient confined therein to receive any such liquor or drug unless the same is prescribed by a physician in attendance at such institution.

(b) Whoever violates this section is guilty of conveying intoxicating liquors or drugs into hospitals, a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

§ 617.11 Selling or Dispensing Beer or Liquor in Certain Public Premises

(a) No person, group, association, partnership or corporation, for profit or not for profit, shall sell, give or dispense any beer or intoxicating liquor to any person anywhere on or in any part or portion of the premises of the Public Utilities Building at 1201 Lakeside, the 205 St. Clair Building, and the 1825 Lakeside Avenue Building.

(b) It shall be the duty of the Director of Public Safety to strictly enforce the provisions of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. No. 394-12. Passed 5-21-12, eff. 5-25-12)

§ 617.12 Consumption of Intoxicating Liquor in Parks and Recreational Facilities

(a) Subject to division (b) of this section, no person shall consume any intoxicating liquor, as defined in Section [617.01](#), upon the grounds of any park, parkway, playground, ballfield, tennis court, skating rink, recreation center or model airplane field which is owned and controlled by the City.

(b) When the Director of Parks, Recreation and Properties issues a permit pursuant to Section [133.03](#) to the sponsors of an event or activity, the primary purpose of which is something other than the consumption of intoxicating liquor, division (a) of this section shall not apply to those who participate in said event or activity.

(c) Whoever violates the provisions of this section shall be guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) and, sentenced to not less than thirty (30) days' imprisonment. The minimum fine to be imposed by the court for a violation of the provisions of this section is mandatory. The court shall not suspend all or any portion of said minimum fine; provided that in lieu of all or a portion of the sentence of imprisonment required hereunder, the court may require the offender to perform supervised community service work pursuant to division (H) of RC 2951.02.

(Ord. No. 1562-90. Passed 4-8-91, eff. 4-15-91)

http://cleveland-oh.elaws.us/code/cleveland_oh/chapter607/

FEDERAL

Federal law penalizes the unlawful manufacturing, distribution, use, sale, and possession of controlled substances. The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport, or conceal a controlled substance; the denial of professional licenses or Federal benefits, such as student loans, grants, and contracts; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. See the Federal Controlled Substances Act at 21 USC 800.

SCHOOL SANCTIONS **

(APPLIED TO ALL CATEGORIES OF SUBSTANCES)

The following are prohibited under the Code of Conduct applicable to students:

- Use, possession or distribution of narcotic or other controlled substances, except as expressly permitted by law, or being under the influence of such substances.
- Use, possession or distribution of alcoholic beverages, except as expressly permitted by law and Chamberlain University regulation; or public intoxication.

The sanctions listed below may be imposed upon any covered person found to have violated the Code of Conduct. The listing of the sanctions should not be construed to imply that covered persons are entitled to progressive discipline. The sanctions may be used in any order and/or combination that Chamberlain University deems appropriate for the conduct in question.

- a) Warning - A verbal or written notice that the respondent is in violation of or has violated Chamberlain University regulations.
- b) Probation - A written reprimand with stated conditions in effect for a designated period of time, including the probability of more severe disciplinary sanctions if the respondent is found to be violating any Chamberlain University regulation(s) during the probationary period.
- c) Fines - Fines may be imposed, as determined or approved by Chamberlain University.
- d) Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- e) Housing Suspension - Separation of the respondent from his or her Chamberlain University controlled housing for a definite period of time. Conditions for readmission to housing may be specified.
- f) Housing Expulsion - Permanent separation of the respondent from Chamberlain University controlled housing.
- g) Chamberlain University Suspension - Separation of the respondent from Chamberlain University for a definite period of time, after which the respondent is eligible to return. Conditions for readmission may be specified.
- h) Chamberlain University Expulsion - Permanent separation of the respondent from all Chamberlain University locations and DeVry Education Group institutions.

FACULTY AND STAFF

Colleagues of the institution are prohibited from:

- While performing school business under the influence of a controlled substance
- possession, use, sale of a controlled substance
- furnishing a controlled substance to a minor.

Sanctions for this violation could lead up to termination of employment.

**These sanctions are in addition to any criminal sanctions that may be imposed. Student colleagues are subject to both colleague and student sanctions.

LOCAL TREATMENT RESOURCES

The following is a sampling of local area information and treatment resources. A more comprehensive listing of available counseling and treatment programs can be obtained in the Student Central.

Alcoholics Anonymous

(703) 876-6166

(202) 966-9115

Arlington County Alcohol and Drug Treatment

(703) 228-4900

Arlington Hospital Addiction Program

(703) 558-6536

Fairfax Falls Church Community Service

(703) 359-7040

Montgomery County Mental Health Access Team

(240) 777-1770

Narcotics Anonymous

(703) 532-1255

Healthcare Options Center for Alcohol & Substance Abuse Treatment

(800) 547-4615

STUDENT RIGHTS UNDER FERPA

(The Family Educational Rights and Privacy Act)

Chamberlain University respects the rights and privacy of its students and acknowledge the responsibility to maintain confidentiality of personally identifiable information.

FERPA is a federal law that affords students the following rights with respect to their education records. These rights include:

1. THE RIGHT TO INSPECT AND REVIEW THE STUDENT'S EDUCATION RECORDS
Students have the right to review their education records within 45 days of the day the institution receives their request. Students should submit to the registrar, dean, or head of the academic department a written request that identifies the record(s) they wish to inspect. The institution official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the official to whom the request is submitted does not maintain the records, that official will advise the student of the correct official to whom the request should be addressed.
2. THE RIGHT TO SEEK AN AMENDMENT OF INACCURATE OR MISLEADING INFORMATION
Students may ask the institution to amend a record that they believe is inaccurate or misleading. They should write to the official responsible for the record, clearly identify the part of the record they believe should be changed and specify why it is inaccurate or misleading. If the institution decides not to amend the record as requested by the student, the student will be notified of the decision and advised of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing. Following the hearing, if the institution still decides not to amend the record, the student has a right to place a clarifying statement in the record.

3. **THE RIGHT TO LIMIT DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

Students have the right to consent to disclosure of personally identifiable information contained in their educational records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official who has a legitimate educational interest. A school official is a person employed by the institution in an administrative, supervisory, academic, research, or support staff position (including campus security, incident commanders and health staff) or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include an Adtalem Global Education colleague, a volunteer, or contractor outside of the institution who performs an institutional service or function for which the institution would otherwise use its own employees and who is under the direct control of the institution with respect to the use and maintenance of PII from education records, such as an attorney, auditor, intern or collection agent or a student volunteering to assist another school official in performing their tasks. School officials have a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the institution.

Another exception that permits disclosure without consent is disclosure of directory information. Directory information is not considered to be harmful or an invasion of privacy if disclosed. See the Directory Information section for additional information.

4. **THE RIGHT TO FILE A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION IF THE INSTITUTION FAILS TO COMPLY WITH FERPA REQUIREMENTS**

Complaints should be directed to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Phone: 1-800-USA-LEARN (1-800-872-5327)

DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) designates certain student information as “Directory Information” and gives the institution the right to disclose such information without having to ask students’ permission. The items listed below as “Directory Information” may be released for any purpose at the discretion of the institution. Under the provisions of FERPA, students have the right to withhold the disclosure of any or all of the categories of information listed below. **The following information will be released unless students specifically request that their information be withheld:**

- **Directory Information:** Name, address, telephone number, email address, date and place of birth, dates of attendance, previous institution(s) attended, major field of study (program), enrollment status, degrees and awards, past and present participation in officially recognized activities.
- **Career Services:** Students approaching graduation and working with career services staff on career planning, job interviewing and resume preparation authorize release of the following records for a period of fifteen months after graduation: the resume, identifying data, academic work completed, immigration status (if applicable), and authorize career services to verify information graduates provide regarding their employment. At no time is compensation information released or published.

To Withhold Information

To have directory or career services information withheld, students must submit a written request to the Registrar. Once filed, this request becomes a permanent part of the student’s record and no information may be released until the student instructs the institution otherwise.

VOTER REGISTRATION

As a participant in Title IV Federal Student Financial Aid programs, Chamberlain University would like to remind students who are U.S. citizens of the importance of registering to vote.

If you are interested in participating in local, state, or national elections, please visit the Election Assistance Commission website at www.eac.gov/voter_resources/register_to_vote.aspx to learn how you can register to vote.

UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED MATERIALS

Chamberlain University strives to provide access to varied materials, services and equipment for students, faculty and staff and does not knowingly condone policies or practices that constitute an infringement of Federal copyright law. Transmitting or downloading any material that you do not have the right to make available and that infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party is prohibited.

Installing or distributing pirated or unlicensed software is also forbidden. Violation of these requirements may subject students, faculty and staff to civil and criminal liabilities. Students, faculty or staff who violate federal copyright law do so at their own risk. Copyright status is applied to a work as soon as it is created. Users should assume that all writings and images are copyrighted.

Title 17 of the United States Code (17 USC §501 et seq.) outlines remedies for copyright infringement that may include some or all of the following: obtaining an injunction to stop the infringing activity; impounding and disposing of the infringing articles; an award to the copyright owner of actual damages and the profits of the infringer, or in the alternative, an award of statutory damages which may be increased if the infringement is found to be willful; an award of two times the amount of the license fee a copyright owner could have gotten; an award of the full costs incurred in bringing an infringement action, and the award of attorney's fees; and for criminal copyright infringement, fines and imprisonment.

Chamberlain University maintains a campus network to support and enhance the academic and administrative needs of our students, faculty and staff. Chamberlain University is required by Federal Law – H.R. 4137 to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Chamberlain University takes steps to detect and punish users who illegally distribute copyrighted materials.

Chamberlain University reserves the right to suspend or terminate network access to any campus user that violates this policy and Network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution. The existence and imposition of sanctions do not protect members of the campus community from any legal action by external entities.

Alternatives to Illegal Downloading

Illegal downloads hurt artists and deter the incentive to create. U.S. laws protect the rights of individuals regarding their own works. Below are lists of sites that offer free or inexpensive products that you can use without violating copyright law.

FREE AND LEGAL

Clipart:

<http://www.coolarchive.com/>

<http://www.clipart.com/>

Fonts:

<http://www.blambot.com/>

<http://www.fonts.com/>

Photos:

<http://www.freefoto.com/index.jsp>

<https://www.photospin.com/Default.asp?>

Music:

<http://download.cnet.com/windows/>

<http://www.epitonic.com/>

<http://betterpropaganda.com/>

CHAMBERLAIN UNIVERSITY-CLEVELAND ANNUAL CAMPUS CRIME STATISTICS
Reported in accordance with Uniform Crime Reporting procedures and the
Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act

Total Crimes Reported for:	On Campus			Public Property		
	2015	2016	2017	2015	2016	2017
<u>Criminal Offenses (includes attempts)</u>						
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Sexual Assault-Rape	0	0	0	0	0	0
Sexual Assault-Fondling	0	0	0	0	0	0
Sexual Assault-Incest	0	0	0	0	0	0
Sexual Assault-Statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<u>HATE CRIMES</u>						
2015	2016	2017	2015	2016	2017	
If there are any hate crimes to report, please enter count here and narrative description below.						
0	0	0	0	0	0	0
<u>VAWA Offenses</u>						
2015	2016	2017	2015	2016	2017	
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<u>Arrests</u>						
2015	2016	2017	2015	2016	2017	
Weapons: carrying, possession, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	1	0	0
<u>Referral for Disciplinary Actions</u>						
2015	2016	2017	2015	2016	2017	
Weapons: carrying, possession, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<u>Hate Crimes</u>						
Prejudice Categories:						
Race, Religion						
Sexual Orientation						
Gender, Gender Identity						

Disability			
Ethnicity			
National Origin			
On campus or public property:	2015	2016	2017
<u>Total Unfounded Crimes</u>	0	0	0