

**Chamberlain University**



**CHAMBERLAIN**  
**U N I V E R S I T Y**

**2023-2024 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:

Irwindale, CA

September 22, 2023

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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 Student Services 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 Irwindale 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.

Incident Commander 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>
Irwindale	626-430-2244	626 337-0525
LA County	323-820-6700	626-337-8919

## **CAMPUS ACCESS, FACILITY SECURITY AND LAW ENFORCEMENT**

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 626-813-2525 (property management) or 630-716-0605 (EMCOR) 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 6:00am-6:00pm Monday-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 patrols 24/7, but is available Monday-Friday 6:00am-6:00pm. For emergencies and after-hours building security, please call 626-235-2722. 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 SEXUAL MISCONDUCT RESPONSE AND PREVENTION  
POLICY**

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Chamberlain University (“Chamberlain”) is committed to providing a work and educational environment free of unlawful harassment, discrimination, and retaliation. In accordance with Title IX of the Education Amendments of 1972, Chamberlain does not discriminate on the basis of sex in its education Program or Activity, which extends to admission and employment. Chamberlain also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education Program or Activity.

Although Title IX governs Sexual Harassment committed against persons in the United States as part of its education Programs and Activity, this policy will also apply to Sexual Harassment committed against persons outside of the United States as part of its education Program or Activity.

Chamberlain reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

**TITLE IX COORDINATOR**

The Title IX Coordinator coordinates Chamberlain’s efforts to comply with its Title IX responsibilities.

**Title IX Coordinator:**           **Allison Durand**  
                                                   **Senior Ombudsman**  
                                                   **Chamberlain University**  
                                                   **500 West Monroe | 28th Floor | Chicago, IL 60661**  
                                                   **630.353.7035 | [titleixcoordinator@chamberlain.edu](mailto:titleixcoordinator@chamberlain.edu)**

The Title IX Coordinator is responsible for implementing Chamberlain’s Title IX policy, intaking reports and Formal Complaints of Sexual Harassment and providing supportive measures. The Title IX Coordinator is also responsible for maintaining corresponding Clery Act crime statistics and reporting to the Director, Enterprise Safety and Security.

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

Reports can be made by victims, third parties or bystanders with the option to remain anonymous through the Speak Up program **1.800.461.9330**, or online at [www.speakupadtalem.com](http://www.speakupadtalem.com).

## **KEY 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 is found in the Chamberlain’s Annual Disclosure, 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 Respondent, the lack of verbal or physical resistance or the submission by the Complainant does not constitute consent.
- The manner of dress of the Complainant 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 Complainant 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
- 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.

**“Colleague”** an employee of Chamberlain University.

**“Colleague Code of Conduct”** refers to the “Adtalem Code of Conduct and Ethics” ([https://www.adtalem.com/sites/g/files/krcnkx321/files/migrations/media/Code%20of%20Conduct\\_English%20and%20Portuguese.pdf](https://www.adtalem.com/sites/g/files/krcnkx321/files/migrations/media/Code%20of%20Conduct_English%20and%20Portuguese.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 ([apps.adtalem.com](https://apps.adtalem.com) > **Commons- HR Portal** > **Policy Central**).

**“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.

**“Member of the Chamberlain community”** includes students, faculty members or staff and any other individuals associated with Chamberlain University. 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.

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Chamberlain conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Chamberlain’s education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA)\*:



- **Sexual Assault<sup>1</sup>:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Stalking:** As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

\* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 ("VAWA"), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in Chamberlain's Annual Safety and Security Report ("ASR"). VAWA crimes are reported in the ASR based on the definitions above.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that t Chamberlain investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in Chamberlain's education Program or Activity with which the Formal Complaint is filed.

**Program or Activity:** On or off campus locations, events, or circumstances over which Chamberlain exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

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<sup>1</sup> The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

**Mandatory Reporter:** An employee who must report all instances of Sexual Harassment to the Title IX Coordinator. All employees are Mandatory Reporters.

**Clery Geography:** As defined in the Clery Act, includes (A) buildings and property that are part of Chamberlain’s campus; (B) Chamberlain’s noncampus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus. A map of Chamberlain’s Clery Geography is contained in Chamberlain’s ASR.

## **PROCEDURE FOR REPORTING SEXUAL HARASSMENT**

If you believe that you have experienced or witnessed Sexual Harassment, Chamberlain encourages you to notify the Title IX Coordinator as soon as possible after the incident. A report may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from Chamberlain’s Title IX grievance process. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, Chamberlain will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police to pursue Chamberlain’s grievance process.

## **CONFIDENTIALITY**

To make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting College resources. Colleagues who are made aware of a possible violation of this policy are required to contact their manager or one-up manager and the Title IX Coordinator. All College Colleagues are designated mandatory reporters will notify the Title IX Coordinator of any complaints received.

The Speak Up Program (“Speak Up”) is a reporting system managed by a third-party vendor (Convercent), 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 Speak Up program by contacting the third-party contractor Convercent by phone at **1.800.461.9330**, or online at [www.speakupadtalem.com](http://www.speakupadtalem.com).

Students may choose to consult with a confidential advisor. Confidential advisors are specifically trained to provide support to survivors of sexual violence, or those who know a survivor. They are available to answer questions, provide information and help navigate options available at the College as well as in the community. They can fulfill their reporting requirements by making general reports for statistical purposes and pattern tracking but do not divulge personally identifiable information. Communication with the confidential advisor is confidential in all circumstances, except when imminent risk of serious physical injury or death of the victim or another person could result, or where reporting is required under federal, state or local law. Individuals experiencing harassment or discrimination always have the right to file a formal grievance with government authorities.

**Confidential Advisors:**      **Cyndy Palmer and Lauren Sinclair**  
                                         **Confidential Advisor**  
                                         **Chamberlain University**  
                                         **500 West Monroe | 28th Floor | Chicago, IL 60661**  
                                         **630.353.7303 | [confidentialadvisor@chamberlain.edu](mailto:confidentialadvisor@chamberlain.edu)**

Chamberlain will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX grievance process.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Chamberlain's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures and/or Remedies, and/or engage in informal or formal action, as appropriate.

## **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. 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 invite 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 record keeping 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.

## **Complainant Rights**

Complainant 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). Chamberlain abides by orders of protection (including no-contact orders and restraining orders), which are generally issued by a municipal court to protect a person or entity in a situation involving sexual assault. Information on how to obtain a protective order in the states in which the Chamberlain has campuses is located in the ASR.
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 and/or Sexual Misconduct Response Coordinator).
6. The right to contact information for the Title IX Coordinator and/or Sexual Misconduct Response 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 Respondent 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, both parties have the right to appeal the outcome.
10. The right to request Supportive Measures.
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 complainant 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.

### **Amnesty for Complainants 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 complainants 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 drinking or drug use at the time of the incident. It is in the best interest of the community that complaints and witnesses come forward to share what they know regarding violations of this Policy. To encourage reporting, Chamberlain grants complainants and witnesses amnesty, when appropriate, for potential Chamberlain policy violations and provides all parties and witnesses other interim measures as appropriate or needed.

Similarly, 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 complainant, policy violations should not be overlooked; however, Chamberlain may provide educational options, rather than punitive sanctions, to those who offer their assistance.

### **SUPPORTIVE MEASURES**

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter Sexual Harassment. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work

or class schedules, campus escort services, restrictions on contact between the parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Once the Title IX Coordinator receives a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

Chamberlain will maintain the privacy of the Supportive Measures, provided that privacy does not impair Chamberlain's ability to provide the Supportive Measures.

### **EMERGENCY REMOVAL**

Chamberlain can remove a Respondent entirely or partially from an education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with the Director, Enterprise Safety and Security.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

Chamberlain will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning a Colleague, restricting a student's or Colleague's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

### **COMPLAINT DISMISSAL**

Dismissal of a Formal Complaint may occur under several circumstances. Chamberlain must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in Chamberlain's education Program or Activity, or did not occur against a person in the United States.

Chamberlain may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by Chamberlain; or if specific circumstances prevent Chamberlain from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by Chamberlain under its Sex and Gender-Based Sexual Misconduct Response and Prevention Policy.

## **TITLE IX GRIEVANCE PROCESS**

Chamberlain utilizes a prompt, equitable and impartial grievance process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinators, Investigators, Decision-Makers, individuals who facilitate informal resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness.

Both parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both parties will be afforded equitable rights and access during the grievance process. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Generally, the grievance process consists of a Formal Complaint, investigation, live hearing, determination, disciplinary measures, remedies and appeal (if applicable). The grievance process, barring extenuating circumstance, will conclude within 90 calendar days from the date a Formal Complaint is filed.

### **Advisor**

The parties may be accompanied by an advisor of their choice and at their own expense. If the Complainant or Respondent does not have an advisor present at the live hearing, Chamberlain will select and provide an advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. The Complainant and Respondent may not conduct cross-examination.

Choosing an advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Complainant and Respondent are expected to ask and respond to questions on their own behalf throughout the investigation phase of the grievance process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address College officials in a meeting or interview unless invited to. An advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a live hearing, during cross-examination. If an advisor is disruptive or otherwise fails to respect the limits of the advisor role, the meeting or interview may be ended by the Decision Maker.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by Chamberlain. The Decision Maker may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by Chamberlain's privacy expectations.

## **Investigation of Complaints**

Chamberlain will investigate Sexual Harassment allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether Chamberlain investigates an allegation of Sexual Harassment unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the Chamberlain community. A Complainant is not required to participate in an investigation and grievance process for Formal Complaints signed by the Title IX Coordinator. However, the ability to investigate, respond, and provide Remedies may be limited or impossible without participation of the Parties. Chamberlain may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, written notice will be sent to the parties. The Notice of Investigation will include: details of the allegations (including identities of the parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, the date of the incident(s) and the location of the incident(s)); a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to Chamberlain's grievance process; a statement that the parties may have an advisor of their choice; and a reminder of the expectation of truthfulness including consequences for submitting false information. The parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

Formal Complaints involving Colleagues may also be referred to Human Resources and simultaneously evaluated under Colleague conduct policies and procedures.

During the investigation, the Office of Equity and Access will select an Investigator to conduct interviews and gather evidence. The parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The parties (and their advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the parties (and their advisors) at least 10 days prior to a live hearing. The parties may provide a written response to the investigative report.

## **Informal Resolution**

If the Title IX Coordinator deems appropriate and both parties voluntarily consent in writing, Formal Complaints can be resolved through informal resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate informal resolution process depending on the nature of the allegations, the parties involved, and the overall circumstances. Informal resolution will be conducted by a facilitator, who will be designated by the Title IX Coordinator. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process. Informal resolution is unavailable to resolve allegations that a Colleague sexually harassed a student.

## **Live Hearing**

If a report is not resolved informally, Chamberlain will conduct a live hearing. Live hearings are facilitated by a designated Decision-Maker. The Decision Maker will be selected by the Office of Equity and Access.



The Decision-Maker consists of a panel of no fewer than three (3) members, designated from the hearing panel.

Cross-examination during the live hearing will be conducted directly, orally, and in real time by the party's advisor and not by a party personally. The Decision-Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenge credibility. Only relevant cross-examination questions (as well as other questions deemed pertinent at the discretion of the Decision-Maker) may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination question, the Decision-Maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

As of August 24, 2021, and pursuant to the Department of Education's August 24, 2021 guidance, the Decision-Maker may consider statements from a party or witness who are not present at the live hearing in reaching a determination regarding responsibility, so long as the questions are otherwise permissible. However, the Decision-Maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer questions.

At the request of either party, Chamberlain will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Live hearings may be conducted with all parties physically present in the same geographic location or, at Chamberlain's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. An audio or audiovisual recording, or transcript, of any live hearing will be created and maintained for seven (7) years.

Individuals participating in the live hearing cannot be disruptive and must follow the policies and procedures set by Chamberlain. The Decision-Maker has the authority to enforce decorum.

### **Evidence Limitations**

Chamberlain will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Chamberlain will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

### **Standard of Evidence**

For all Formal Complaints of Sexual Harassment (including where Colleagues are Respondents), Chamberlain utilizes the preponderance of the evidence standard; whether it is more likely than not that the Respondent violated the policy as alleged.

### **Disciplinary Actions**

Disciplinary actions against the Respondent will not be imposed before completion of Chamberlain's grievance process. Following a determination of responsibility, appropriate corrective action will be taken,

and Chamberlain will take steps to prevent recurrence. Disciplinary actions taken will be determined on a case-by-case basis. Any Colleague determined by Chamberlain to be responsible for an act of Sexual Harassment will be subject to appropriate disciplinary action, up to and including termination. Colleagues are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process. Remedies for student-related claims may include, but are not limited to, additional training, a restriction on contact, suspension, or termination.

Failure to abide by imposed disciplinary actions (whether by refusal, neglect or any other reason), may result in additional disciplinary action, including suspension or termination.

Individuals who make a materially false statement in bad faith in the course of a Title IX grievance process will be subject to Chamberlain's Code of Conduct policies.

### **Remedies**

Remedies are provided to a Complainant whenever a Respondent is found responsible and may be disciplinary and punitive. Student remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and reasonable under the circumstances. Remedies may include supportive measures.

### **Written Determination**

The Decision-Maker will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the live hearing, disciplinary sanctions imposed on the Respondent and whether remedies will be provided to the Complainant. The determination will be sent simultaneously to the parties along with information on how to file an appeal.

### **Appeal**

Both parties have the right to appeal a determination regarding responsibility, Chamberlain's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter; and/or (4) the proposed Remedy was not reasonable based on the evidence compiled during the investigation

An appeal must be submitted in writing to the Title IX Coordinator within ten calendar days of the delivery of the Written Determination. Appeals will be heard by the campus program administrator or their designee.

The parties will receive the appeal decision in writing within seven (7) business days after the review of the appeal is complete. The appeal decision is final.

### **RETALIATION PROHIBITED**

Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the grievance process is prohibited.

If you believe you have been retaliated against, you should follow the procedures outlined in Chamberlain's Retaliation Policy located in the Student Handbook and Employee Handbook.

## **TRAINING**

Chamberlain ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of Chamberlain's education Program or Activity, how to conduct an investigation, Chamberlain's grievance process (including hearings, appeals, and informal resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-Makers are trained on the definition of Sexual Harassment, the live hearing process, technology to be used in live hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal resolution facilitators are trained on the informal resolution process.

Materials used to train Title IX personnel are posted on Chamberlain's website and may also be requested directly from the Title IX Coordinator.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), Chamberlain will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students and new Colleagues during their first semester.

## **BIAS/CONFLICT OF INTEREST**

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Director of the Office of Equity and Access, Dwight Hamilton, by phone at 312.651.1458 or by email at [equity@adtalem.com](mailto:equity@adtalem.com). Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

## **REPORTING REQUIREMENTS**

College administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. Chamberlain will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. Chamberlain reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

## **ADDITIONAL INFORMATION**

Students and Colleagues may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at <https://www2.ed.gov/ocr>. To the extent that a Colleague or contract worker is not satisfied with Chamberlain's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

The OCR National Headquarters is located at:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **Primary Prevention and Awareness Programs**

### **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 acknowledgment. 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.
- 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**

Complainants 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. The criminal process is separate from Chamberlain's process.

Whenever possible, Complainants 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. Complainants 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 the Complainants 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. Complainants are not required to report an incident to law enforcement authorities, but Chamberlain will assist the Complainants with contacting the police, if requested.
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. Time is a critical factor for evidence collection and reservation that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining an order of protection. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. 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. Completing a forensic examination does not require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); [www.RAINN.org](http://www.RAINN.org).
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 the psychological effects and provide a safe environment for recovery.

## Resources for Victims

Local Resources can be found in the Chamberlain's Annual Security Report distributed to each campus community and posted on the Student Consumer Information page of Chamberlain's website. The reports are available by location in a drop-down menu and contain lists of local resources available to victims of sex and gender-based misconduct. The resource lists are updated annually.

To access this information, go to: <https://www.chamberlain.edu/about/student-consumer-information>

Additionally, the following resources exist to provide information and links to external assistance:

- **National Sexual Assault Hotline** 1.800.656.HOPE (4673) [rainn.org](http://rainn.org)
- **National Domestic Violence Hotline** 1.800.799.7233 (TTY) 1.800.787.3224 [thehotline.org](http://thehotline.org)
- **National Network to End Domestic Violence** [nnev.org](http://nnev.org) [womenslaw.org](http://womenslaw.org)  
[Legal information and resources]
- **National Center for Victims of Crime** [victimsofcrime.org](http://victimsofcrime.org)
- **loveisrespect** 1.866.331.9474 (TTY) 1.866.331.8453 [loveisrespect.org](http://loveisrespect.org)
- **National Suicide Prevention Hotline** 1.800.273.TALK (8255) [suicidepreventionlifeline.org](http://suicidepreventionlifeline.org)
- **Americans Overseas Domestic Violence Crisis Center** 1.866.USWOMEN (International Toll-Free) [crisis@866uswomen.org](mailto:crisis@866uswomen.org)
- **U.S. Embassy** [usembassy.gov](http://usembassy.gov)
- **Child Welfare Information Gateway** [childwelfare.gov](http://childwelfare.gov)
- **State Statutes Including Mandatory Reporting Laws** [childwelfare.gov/topics/systemwide/laws-policies/state](http://childwelfare.gov/topics/systemwide/laws-policies/state)

## **SEX AND GENDER-BASED MISCONDUCT RESPONSE AND PREVENTION POLICY ADDENDUM<sup>2</sup>**

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For individuals attending or working at Chamberlain University campuses located in California, Illinois, Michigan or Texas, the following policies and/or procedures are modified or supplemented to those set forth in the Sex and Gender-Based Misconduct Response & Prevention Policy. Chamberlain reserves the right to adjust this Addendum consistent with current law. If any portion of this Addendum is deemed invalid, the invalidity shall not affect other portions of the Sex and Gender-based Misconduct & Response Policy.

### **CALIFORNIA**

#### **Definition of Consent**

*California Education Code Section 67386* (which applies to California campuses) defines “Affirmative Consent” as: Affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. 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.*

#### **Definition of Sexual Harassment**

*California Education Code Section 66262.5* (which applies to California campuses) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through Chamberlain.

#### **Additional Training**

Colleagues at California campuses involved in investigating and adjudicating sexual assault, domestic violence dating violence and stalking will also be provided with comprehensive, trauma-informed training.

#### **Amnesty for Victims and Witnesses**

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<sup>2</sup> This addendum is only applicable for incidents that took place in the following U.S. states: California, Illinois, Michigan and Texas.

Amnesty, to encourage reporting, will be provided to individuals at California campuses unless Chamberlain determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

## ILLINOIS

### **Definition of Consent**

*Illinois Preventing Sexual Violence in Higher Education Act* (which applies to Illinois campuses) utilizes a definition of “Consent” which recognizes that (i) consent is a freely given agreement to sexual activity, (ii) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent, (iii) a person's manner of dress does not constitute consent, (iv) a person's consent to past sexual activity does not constitute consent to future sexual activity, (v) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another, (vi) a person can withdraw consent at any time, and (vii) 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: (A) the person is incapacitated due to the use or influence of alcohol or drugs; (B) the person is asleep or unconscious; (C) the person is under age; or (D) the person is incapacitated due to a mental disability.

### **Additional Training**

Colleagues at Illinois campuses involved in (i) receipt of a student report of an alleged incident of sexual violence, domestic violence, dating violence, or stalking, (ii) the referral or provision of services to a survivor, or (iii) any campus complaint resolution procedure that results from an alleged incident of sexual violence, domestic violence, dating violence, or stalking will be provided annual survivor-centered and trauma-informed response training. Colleagues at Illinois campuses whose duties include resolution of student complaints receive 8 to 10 hours of annual training on issues related to sexual violence, domestic violence, dating violence and stalking. Training also includes how to apply this policy.

### **How to File a Report**

Illinois Preventing Sexual Violence in Higher Education Act requires contact information for local law enforcement:

Addison Campus: 630-543-3080

Chicago Campus: 312-744-8290

Tinley Park Campus: 708-444-5200

Within 12 hours of when Chamberlain receives an electronic report, students at Illinois campuses will receive information detailed in the “Victim/Survivor Rights” paragraph of this policy.

### **Written Determination**

Individuals at an Illinois campus will be provided with the written determination within seven (7) days after the determination.

### **Amnesty for Victims and Witnesses**



Amnesty, to encourage reporting, will be provided to individuals at Illinois campuses unless Chamberlain determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

## **Prevention and Awareness**

### **Procedures to Follow after a Sexual Misconduct Incident**

#### **Addison Campus:**

##### **Community-Based Sexual Assault Crisis Center**

YWCA Metropolitan Chicago  
Patterson and McDaniel Family Center  
55 E. North Avenue  
Glendale Heights, IL 60139  
630.790.6600

##### **State Sexual Assault Crisis Center**

Illinois Coalition Against Sexual Assault  
100 N. 16th Street  
Springfield, IL 62703  
217.753.4117

**Medical Facility:** nearest to the campus where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.  
AMITA Health Adventist Glen Oaks Hospital  
701 Winthrop Avenue  
Glendale Heights, IL 60139  
630.545.6160

#### **Chicago Campus:**

##### **Community-Based Sexual Assault Crisis Center**

Community Counseling Centers of Chicago  
4740 N. Clark Street  
Chicago, IL 60640  
773.769.0205

##### **State Sexual Assault Crisis Center**

Illinois Coalition Against Sexual  
Assault – RVA-Northside Office  
1945 W. Wilson  
Chicago, IL 60651  
773.275.8340

**Medical Facility:** nearest to the campus where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.  
Advocate Illinois Masonic Medical Center  
836 W. Wellington Avenue

Chicago, IL 60657  
773.975.1600

**Tinley Park Campus:**

**Community-Based Sexual  
Assault Crisis Center**

YWCA South Suburban Center  
320 W. 202nd Street  
Chicago Heights, IL 60411  
708.754.0486  
Rape Crisis Hotline: 708.748.5672  
in the South Suburbs

**State Sexual Assault Crisis Center**

YWCA Metropolitan Chicago  
1 N. LaSalle Street, Suite 1150  
Chicago, IL 60602  
312.762.6600

**Medical Facility:** nearest to the campus where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

Advocate S. Suburban Hospital  
17800 Kedzie Avenue  
Hazel Crest, IL 60429  
708.799.8000

MICHIGAN

**Definition of Sexual Harassment**

*Michigan Elliot-Larson Civil Rights Act Section 37.2103(i)* (which applies to Michigan campuses) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions: (i) Submission to the conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing; (ii) Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education, or housing; or (iii) The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

TEXAS

**Definition of Sexual Harassment**

*Texas Education Code Section 51.251(5)* (which applies to Texas campuses) defines sexual harassment as unwelcome, sex-based verbal or physical conduct that: (A) in the employment context,

unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or (B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at Chamberlain.

### **Additional Training**

Colleagues at Texas campuses involved in investigating and adjudicating sexual assault, domestic violence dating violence and stalking will also be provided with comprehensive, trauma-informed training.

### **How to File a Report**

Colleagues at Texas campuses who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the colleague reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or a Chamberlain colleague at the time of the incident shall promptly report the incident to the Title IX Coordinator.

### **Investigation**

In determining whether to investigate allegations at Texas campuses, Chamberlain will consider: (1) the seriousness of the alleged incident; (2) whether Chamberlain has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator(s); (3) whether the alleged incident poses a risk of harm to others; and (4) any other factors Chamberlain determines relevant. If an alleged victim requests Chamberlain not investigate, Chamberlain will inform the alleged victim of its decision whether to investigate the alleged incident.

## **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.

Illinois and California require an institution that contracts with a school district to provide educational services to K-12 students to collect fingerprints of any colleagues who will have regular contact with the K-12 students. This process is maintained by Human Resources.

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

## **STATE SEXUAL OFFENDER REGISTRY LIST**

### **ALABAMA**

Website:

[http://sheriffalerts.com/cap\\_office\\_disclaimer.php?office=54247&fwd=aHR0cDovL3d3dy5jb21tdW5pdHlub3RpZmljYXRpb24uY29tL2NhcF9tYWluLnBocD9vZmZpY2U9NTQyNDc=](http://sheriffalerts.com/cap_office_disclaimer.php?office=54247&fwd=aHR0cDovL3d3dy5jb21tdW5pdHlub3RpZmljYXRpb24uY29tL2NhcF9tYWluLnBocD9vZmZpY2U9NTQyNDc=)

Phone Number: 334-676-7250

### **ALASKA**

Website: <https://dps.alaska.gov/SORWeb/>

Phone Number: 907-269-0396 or 800-658-8892 (outside Anchorage in Alaska)

### **ARIZONA**

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

Phone Number: 602-255-0611

### **ARKANSAS**

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

Phone Number: 501-682-2222

### **CALIFORNIA**

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

Phone Number: 916-327-5413

### **COLORADO**

Website: <https://apps.colorado.gov/apps/dps/sor/?SOR=home.caveat>

Phone Number: 303-239-4201

### **CONNECTICUT**

Website: [http://www.communitynotification.com/cap\\_office\\_disclaimer.php?office=54567](http://www.communitynotification.com/cap_office_disclaimer.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: <https://gbi.georgia.gov/services/georgia-sex-offender-registry> Primary: (404) 270-8465

Phone: (404) 270-8622

Email Link: [gcicsexoffenders@gbi.ga.gov](mailto:gcicsexoffenders@gbi.ga.gov)

**HAWAII**

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

Phone Number: 808-587-3350

**IDAHO**

Website: [http://www.isp.idaho.gov/sor\\_id/](http://www.isp.idaho.gov/sor_id/)

Phone Number: 208-884-7305

**ILLINOIS**

Website: <https://isp.illinois.gov/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: [Public Offender Registry \(ks.gov\)](http://PublicOffenderRegistry.ks.gov)

Phone Number: 785-296-2841

**KENTUCKY**

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

Phone Number: 502-227-8700

**LOUISIANA**

Website: <https://www.icrimewatch.net/louisiana.php>

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/](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: 651-361-7200

### **MISSISSIPPI**

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

Phone Number: 601-987-1540

### **MISSOURI**

Website: <http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

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: <https://business.nh.gov/NSOR/>

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=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlubi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==](http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlubi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==)

Phone Number: 505-827-9297

### **NEW YORK**

Website: [http://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp](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: 701-328-5500

### **OHIO**

Website: [http://www.communitynotification.com/cap\\_main.php?office=55149](http://www.communitynotification.com/cap_main.php?office=55149)

Phone Number: 866-406-4534

### **OKLAHOMA**

Website: [Search \(ok.gov\)](#)  
Email Address: [osor@doc.state.ok.us](mailto:osor@doc.state.ok.us)

### **OREGON**

Website: <http://sexoffenders.oregon.gov/ConditionsOfUse>  
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: 787-721-2900

### **RHODE ISLAND**

Website: [https://www.sheriffalerts.com/cap\\_main.php?office=56404%20%5bsheriffalerts.com%5d](https://www.sheriffalerts.com/cap_main.php?office=56404%20%5bsheriffalerts.com%5d)  
Phone Number: 401-764-5900

### **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: 888-837-4170  
Email: [tbisormgr@tn.gov](mailto:tbisormgr@tn.gov)

### **TEXAS**

Website: <https://publicsite.dps.texas.gov/SexOffenderRegistry>  
Phone Number: 512-424-2800

### **UTAH**

Website: [http://sheriffalerts.com/cap\\_main.php?office=54438](http://sheriffalerts.com/cap_main.php?office=54438)  
Phone Number: 801-495-7700

### **VERMONT**

Website: [https://www.communitynotification.com/cap\\_main.php?office=55275](https://www.communitynotification.com/cap_main.php?office=55275)  
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](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**

### **California**

#### **California Law**

#### **Drug Laws**

#### **Health and Safety Code - HSC**

#### **DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]**

#### **CHAPTER 6. Offenses and Penalties [11350 - 11392]**

#### **ARTICLE 1. Offenses Involving Controlled Substances Formerly Classified as Narcotics [11350 - 11356.5]**

#### **11350.**

(a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a), the judge may, in addition to any punishment provided for pursuant to subdivision (a), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to

pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(c) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:

(1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.

(2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.

(3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.

(d) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply:

(1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.

(2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

(e) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.

*(Amended (as amended by Proposition 47) by Stats. 2017, Ch. 269, Sec. 4. (SB 811) Effective January 1, 2018. Note: This section was amended on Nov. 4, 2014, by initiative Prop.47.)*

#### 11350.5.

(a) Except as otherwise provided in this division, every person who possesses a controlled substance specified in paragraph (3) of subdivision (e) of Section 11054 of this code with the intent to commit sexual assault shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, "sexual assault" means conduct in violation of Section 243.4, 261, 262, 286, 287, or 289 of, or former Section 288a of, the Penal Code.

*(Amended by Stats. 2018, Ch. 423, Sec. 35. (SB 1494) Effective January 1, 2019.)*

#### 11351.

Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years.

*(Amended by Stats. 2011, Ch. 15, Sec. 152. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### 11351.5.

Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base, which is specified in paragraph (1) of subdivision (f) of Section 11054, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

*(Amended by Stats. 2014, Ch. 749, Sec. 3. (SB 1010) Effective January 1, 2015.)*

#### 11352.

(a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the

written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, “transports” means to transport for sale.

(d) This section does not preclude or limit the prosecution of an individual for aiding and abetting the commission of, or conspiring to commit, or acting as an accessory to, any act prohibited by this section.

*(Amended by Stats. 2014, Ch. 54, Sec. 7. (SB 1461) Effective January 1, 2015.)*

#### 11352.1.

(a) The Legislature hereby declares that the dispensing and furnishing of prescription drugs, controlled substances, and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety, and welfare of all persons residing in the state. It is the intent of the Legislature in enacting this provision to enhance the penalties attached to this illicit and dangerous conduct.

(b) Notwithstanding Section 4321 of the Business and Professions Code, and in addition to any other penalties provided by law, any person who knowingly and unlawfully dispenses or furnishes a dangerous drug or dangerous device, or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code, or who knowingly owns, manages, or operates a business that dispenses or furnishes a dangerous drug or dangerous device or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code without a license to dispense or furnish these products, shall be guilty of a misdemeanor. Upon the first conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment. Upon a second or subsequent conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

*(Amended by Stats. 2000, Ch. 350, Sec. 1. Effective September 8, 2000.)*

#### 11352.5.

The court shall impose a fine not exceeding fifty thousand dollars (\$50,000), in the absence of a finding that the defendant would be incapable of paying such a fine, in addition to any term of imprisonment provided by law for any of the following persons:

(1) Any person who is convicted of violating Section 11351 of the Health and Safety Code by possessing for sale 14.25 grams or more of a substance containing heroin.

(2) Any person who is convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell 14.25 grams or more of a substance containing heroin.

(3) Any person convicted of violating Section 11351 of the Health and Safety Code by possessing heroin for sale or convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell heroin, and who has one or more prior convictions for violating Section 11351 or Section 11352 of the Health and Safety Code.

*(Amended by Stats. 1983, Ch. 223, Sec. 1.)*

#### 11353.

Every person 18 years of age or over, (a) who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550 with respect to either (1) a controlled substance which is specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, (b) who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any such controlled substance, or (c) who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor, shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

*(Amended by Stats. 2000, Ch. 8, Sec. 6. Effective March 29, 2000.)*

11353.1.

(a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means any premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means any mechanical amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in any slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

(6) "Child day care facility" has the meaning specified in Section 1596.750.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

(Amended by Stats. 1993, Ch. 556, Sec. 1. Effective January 1, 1994.)

11353.4.

(a) Any person 18 years of age or older who is convicted for a second or subsequent time of violating Section 11353, as that section applies to paragraph (1) of subdivision (f) of Section 11054, where the previous conviction resulted in a prison sentence, shall, as a full and separately served enhancement to the punishment imposed for that second or subsequent conviction of Section 11353, be punished by imprisonment in the state prison for one, two, or three years.

(b) If the second or subsequent violation of Section 11353, as described in subdivision (a), involved a minor who is 14 years of age or younger, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this section, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(c) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(d) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(e) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

*(Added by Stats. 1993, Ch. 586, Sec. 1. Effective January 1, 1994.)*

#### 11353.5.

Except as authorized by law, any person 18 years of age or older who unlawfully prepares for sale upon school grounds or a public playground, a child day care facility, a church, or a synagogue, or sells or gives away a controlled substance, other than a controlled substance described in Section 11353 or 11380, to a minor upon the grounds of, or within, any school, child day care facility, public playground, church, or synagogue providing instruction in preschool, kindergarten, or any of grades 1 to 12, inclusive, or providing child care services, during hours in which those facilities are open for classes, school-related programs, or child care, or at any time when minors are using the facility where the offense occurs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted, or at any time when minors are using the facility where the offense occurs, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for five, seven, or nine years. Application of this section shall be limited to persons at least five years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

*(Amended by Stats. 2011, Ch. 15, Sec. 155. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### 11353.6.

(a) This section shall be known, and may be cited, as the Juvenile Drug Trafficking and Schoolyard Act of 1988.

(b) Any person 18 years of age or over who is convicted of a violation of Section 11351.5, 11352, or 11379.6, as those sections apply to paragraph (1) of subdivision (f) of Section 11054, or of Section 11351, 11352, or 11379.6, as those sections apply to paragraph (11) of subdivision (c) of Section 11054, or of Section 11378, 11379, or 11379.6, as those sections apply to paragraph (2) of subdivision (d) of Section 11055, or of a conspiracy to commit one of those offenses, where the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, shall receive an additional punishment of three, four, or five years at the court's discretion.

(c) Any person 18 years of age or older who is convicted of a violation pursuant to subdivision (b) which involves a minor who is at least four years younger than that person, as a full and separately served enhancement to that provided in subdivision (b), shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years at the court's discretion.

(d) The additional terms provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(e) The additional terms provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(f) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(g) "Within 1,000 feet of a public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

*(Amended by Stats. 2011, Ch. 15, Sec. 156. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

11353.7.

Except as authorized by law, and except as provided otherwise in Sections 11353.1, 11353.6, and 11380.1 with respect to playgrounds situated in a public park, any person 18 years of age or older who unlawfully prepares for sale in a public park, including units of the state park system and state vehicular recreation areas, or sells or gives away a controlled substance to a minor under the age of 14 years in a public park, including units of the state park system and state vehicular recreation areas, during hours in which the public park, including units of the state park system and state vehicular recreation areas, is open for use, with knowledge that the person is a minor under the age of 14 years, shall be punished by imprisonment in state prison for three, six, or nine years.

*(Amended by Stats. 2012, Ch. 43, Sec. 13. (SB 1023) Effective June 27, 2012.)*

11354.

(a) Every person under the age of 18 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550, who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, prepare for sale, or peddle (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor shall be punished by imprisonment in the state prison.

(b) This section is not intended to affect the jurisdiction of the juvenile court.

*(Amended by Stats. 2000, Ch. 8, Sec. 7. Effective March 29, 2000.)*

11355.

Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (13), (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug to any person, or who offers, arranges, or negotiates to have any such controlled substance unlawfully sold, delivered, transported, furnished, administered, or given to any person and who then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any such controlled substance shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of Section 1170 of the Penal Code.

*(Amended by Stats. 2011, 1st Ex. Sess., Ch. 12, Sec. 4. (AB 17 1x) Effective September 21, 2011. Operative October 1, 2011, by Sec. 46 of Ch. 12.)*

11356.

As used in this article “felony offense,” and “offense punishable as a felony” refer to an offense prior to October 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after October 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

*(Amended (as amended by Stats. 2011, Ch. 15) by Stats. 2011, Ch. 39, Sec. 2. (AB 117) Effective June 30, 2011. Operative October 1, 2011, pursuant to Secs. 68 and 69 of Ch. 39.)*

11356.5.

(a) Any person convicted of a violation of Section 11351, 11352, 11379.5, or 11379.6 insofar as the latter section relates to phencyclidine or any of its analogs which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, who, as part of the transaction for which he

or she was convicted, has induced another to violate Section 11351, 11352, 11379.5, or 11379.6 insofar as the latter section relates to phencyclidine or its analogs, shall be punished as follows:

- (1) By an additional one year in prison if the value of the controlled substance involved in the transaction for which the person was convicted exceeds five hundred thousand dollars (\$500,000).
  - (2) By an additional two years in prison if the value of the controlled substance involved in the transaction for which the person was convicted exceeds two million dollars (\$2,000,000).
  - (3) By an additional three years in prison if the value of the controlled substance involved in the transaction for which the person was convicted exceeds five million dollars (\$5,000,000).
- (b) For purposes of this section, "value of the controlled substance" means the retail price to the user.  
(Amended by Stats. 1995, Ch. 377, Sec. 1. Effective January 1, 1996.)

## **ARTICLE 2. Cannabis [11357 - 11362.9]**

### 11357.

(a) Except as authorized by law, possession of not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, or both, shall be punished or adjudicated as follows:

(1) Persons under 18 years of age are guilty of an infraction and shall be required to:

(A) Upon a finding that a first offense has been committed, complete four hours of drug education or counseling and up to 10 hours of community service over a period not to exceed 60 days.

(B) Upon a finding that a second offense or subsequent offense has been committed, complete six hours of drug education or counseling and up to 20 hours of community service over a period not to exceed 90 days.

(2) Persons at least 18 years of age but less than 21 years of age are guilty of an infraction and punishable by a fine of not more than one hundred dollars (\$100).

(b) Except as authorized by law, possession of more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis, shall be punished as follows:

(1) Persons under 18 years of age who possess more than 28.5 grams of cannabis or more than eight grams of concentrated cannabis, or both, are guilty of an infraction and shall be required to:

(A) Upon a finding that a first offense has been committed, complete eight hours of drug education or counseling and up to 40 hours of community service over a period not to exceed 90 days.

(B) Upon a finding that a second or subsequent offense has been committed, complete 10 hours of drug education or counseling and up to 60 hours of community service over a period not to exceed 120 days.

(2) Persons 18 years of age or older who possess more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis, or both, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

(c) Except as authorized by law, a person 18 years of age or older who possesses not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 to 12, inclusive, during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished as follows:

(1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

(d) Except as authorized by law, a person under 18 years of age who possesses not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 to 12, inclusive, during hours the school is open for classes or school-related programs is guilty of an infraction and shall be punished in the same manner provided in paragraph (1) of subdivision (b).

(Amended by Stats. 2017, Ch. 253, Sec. 15. (AB 133) Effective September 16, 2017. Note: This section was amended on Nov. 4, 2014, by initiative Prop. 47, and on Nov. 8, 2016, by initiative Prop. 64.)

### 11357.5.

(a) Every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic

cannabinoid derivative, to any person, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) Every person who uses or possesses any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, is guilty of a public offense, punishable as follows:

(1) A first offense is an infraction punishable by a fine not exceeding two hundred fifty dollars (\$250).

(2) A second offense is an infraction punishable by a fine not exceeding two hundred fifty dollars (\$250) or a misdemeanor punishable by imprisonment in a county jail not exceeding six months, a fine not exceeding five hundred dollars (\$500), or by both that fine and imprisonment.

(3) A third or subsequent offense is a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(c) As used in this section, the term “synthetic cannabinoid compound” refers to any of the following substances or an analog of any of the following substances:

(1) Adamantoylindoles or adamantoylindazoles, which includes adamantyl carboxamide indoles and adamantyl carboxamide indazoles, or any compound structurally derived from 3-(1-adamantoyl)indole, 3-(1-adamantoyl)indazole, 3-(2-adamantoyl)indole, N-(1-adamantyl)-1H-indole-3-carboxamide, or N-(1-adamantyl)-1H-indazole-3-carboxamide by substitution at the nitrogen atom of the indole or indazole ring with alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole or indazole ring to any extent and whether or not substituted in the adamantyl ring to any extent, including, but not limited to, 2NE1, 5F-AKB-48, AB-001, AKB-48, AM-1248, JWH-018 adamantyl carboxamide, STS-135.

(2) Benzoylindoles, which includes any compound structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including, but not limited to, AM-630, AM-661, AM-679, AM-694, AM-1241, AM-2233, RCS-4, WIN 48,098 (Pravadoline).

(3) Cyclohexylphenols, which includes any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the cyclohexyl ring to any extent, including, but not limited to, CP 47,497, CP 55,490, CP 55,940, CP 56,667, cannabicyclohexanol.

(4) Cyclopropanoylindoles, which includes any compound structurally derived from 3-(cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-(cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent.

(5) Naphthoylindoles, which includes any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl group, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the naphthyl ring to any extent, including, but not limited to, AM-678, AM-1220, AM-1221, AM-1235, AM-2201, AM-2232, EAM-2201, JWH-004, JWH-007, JWH-009, JWH-011, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-022, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-164, JWH-166, JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-258, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414, JWH-415, JWH-424, MAM-2201, WIN 55,212.



(6) Naphthoynaphthalenes, which includes any compound structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent, including, but not limited to, CB-13.

(7) Naphthoypyrroles, which includes any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373, JWH-392.

(8) Naphthylmethylindenes, which includes any compound containing a naphthylideneindene structure or which is structurally derived from 1-(1-naphthylmethyl)indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-171, JWH-176, JWH-220.

(9) Naphthylmethylindoles, which includes any compound structurally derived from an H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-175, JWH-184, JWH-185, JWH-192, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199.

(10) Phenylacetylindoles, which includes any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including, but not limited to, cannabipiperidiethanone, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-8.

(11) Quinolinyndolecarboxylates, which includes any compound structurally derived from quinolin-8-yl-1H-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the quinoline ring to any extent, including, but not limited to, BB-22, 5-Fluoro-PB-22, PB-22.

(12) Tetramethylcyclopropanoylindoles, which includes any compound structurally derived from 3-tetramethylcyclopropanoylindole, 3-(1-tetramethylcyclopropyl)indole, 3-(2,2,3,3-tetramethylcyclopropyl)indole or 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropanoyl ring to any extent, including, but not limited to, 5-bromo-UR-144, 5-chloro-UR-144, 5-fluoro-UR-144, A-796,260, A-834,735, AB-034, UR-144, XLR11.

(13) Tetramethylcyclopropane-thiazole carboxamides, which includes any compound structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-

morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent, whether or not substituted in the tetramethylcyclopropyl ring to any extent, including, but not limited to, A-836,339.

(14) Unclassified synthetic cannabinoids, which includes all of the following:

(A) AM-087, (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-tetramethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

(B) AM-356, methanandamide, including (5Z,8Z,11Z,14Z)-[(1R)-2-hydroxy-1-methylethyl]icosa-5,8,11,14-tetraenamide and arachidonyl-1'-hydroxy-2'-propylamide.

(C) AM-411, (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

(D) AM-855, (4aR,12bR)-8-hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol.

(E) AM-905, (6aR,9R,10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol.

(F) AM-906, (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol.

(G) AM-2389, (6aR,9R,10aR)-3-(1-hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9-diol.

(H) BAY 38-7271, (-)-(R)-3-(2-Hydroxymethylindanyl-4-oxo)phenyl-4,4,4-trifluorobutyl-1-sulfonate.

(I) CP 50,556-1, Levonantradol, including 9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; and [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate.

(J) HU-210, including (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol and 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol.

(K) HU-211, Dexanabinol, including (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol and (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

(L) HU-243, 3-dimethylheptyl-11-hydroxyhexahydrocannabinol.

(M) HU-308, [(91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol.

(N) HU-331, 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione.

(O) HU-336, (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione.

(P) JTE-907, N-(benzol[1,3]dioxol-5-ylmethyl)-7-methoxy-2-oxo-8-pentyl-1,2-dihydroquinoline-3-carboxamide.

(Q) JWH-051, ((6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol.

(R) JWH-057 (6aR,10aR)-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran.

(S) JWH-133 (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran.

(T) JWH-359, (6aR,10aR)-1-methoxy-6,6,9-trimethyl-3-[(2R)-1,1,2-trimethylbutyl]-6a,7,10,10a-tetrahydrobenzo[c]chromene.

(U) URB-597 [3-(3-carbamoylphenyl)phenyl]-N-cyclohexylcarbamate.

(V) URB-602 [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester; OR cyclohexyl [1,1'-biphenyl]-3-ylcarbamate.

(W) URB-754 6-methyl-2-[(4-methylphenyl)amino]-4H-3,1-benzoxazin-4-one.

(X) URB-937 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-ylcyclohexylcarbamate.

(Y) WIN 55,212-2, including (R)-(+)-[2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone and [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.

(d) The substances or analogs of substances identified in subdivision (c) may be lawfully obtained and used for bona fide research, instruction, or analysis if that possession and use does not violate federal law.

(e) As used in this section, "synthetic cannabinoid compound" does not include either of the following:

(1) Any substance for which there is an approved new drug application, as defined in Section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355) or which is generally recognized as safe and effective for use pursuant

to Section 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act and Title 21 of the Code of Federal Regulations.

(2) With respect to a particular person, any substance for which an exemption is in effect for investigational use for that person pursuant to Section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355), to the extent that the conduct with respect to that substance is pursuant to the exemption.

(Amended by Stats. 2016, Ch. 624, Sec. 2. (SB 139) Effective September 25, 2016.)

#### 11358.

Each person who plants, cultivates, harvests, dries, or processes cannabis plants, or any part thereof, except as otherwise provided by law, shall be punished as follows:

(a) Each person under the age of 18 who plants, cultivates, harvests, dries, or processes any cannabis plants shall be punished in the same manner provided in paragraph (1) of subdivision (b) of Section 11357.

(b) Each person at least 18 years of age but less than 21 years of age who plants, cultivates, harvests, dries, or processes not more than six living cannabis plants shall be guilty of an infraction and a fine of not more than one hundred dollars (\$100).

(c) Each person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living cannabis plants shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

(d) Notwithstanding subdivision (c), a person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living cannabis plants, or any part thereof, except as otherwise provided by law, may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if any of the following conditions exist:

(1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(2) The person has two or more prior convictions under subdivision (c).

(3) The offense resulted in any of the following:

(A) Violation of Section 1052 of the Water Code relating to illegal diversion of water.

(B) Violation of Section 13260, 13264, 13272, or 13387 of the Water Code relating to discharge of water.

(C) Violation of Section 5650 or 5652 of the Fish and Game Code relating to waters of the state.

(D) Violation of Section 1602 of the Fish and Game Code relating to rivers, streams, and lakes.

(E) Violation of Section 374.8 of the Penal Code relating to hazardous substances or Section 25189.5, 25189.6, or 25189.7 of the Health and Safety Code relating to hazardous waste.

(F) Violation of Section 2080 of the Fish and Game Code relating to endangered and threatened species or Section 3513 of the Fish and Game Code relating to the Migratory Bird Treaty Act, or Section 2000 of the Fish and Game Code relating to the unlawful taking of fish and wildlife.

(G) Intentionally or with gross negligence causing substantial environmental harm to public lands or other public resources.

*(Amended by Stats. 2017, Ch. 27, Sec. 123. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)*

#### 11359.

Every person who possesses for sale any cannabis, except as otherwise provided by law, shall be punished as follows:

(a) Every person under the age of 18 who possesses cannabis for sale shall be punished in the same manner provided in paragraph (1) of subdivision (b) of Section 11357.

(b) Every person 18 years of age or over who possesses cannabis for sale shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(c) Notwithstanding subdivision (b), a person 18 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if:

(1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code;

(2) The person has two or more prior convictions under subdivision (b); or

(3) The offense occurred in connection with the knowing sale or attempted sale of cannabis to a person under the age of 18 years.

(d) Notwithstanding subdivision (b), a person 21 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if the offense involves knowingly hiring, employing, or using a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, giving away, preparing for sale, or peddling any cannabis.

*(Amended by Stats. 2017, Ch. 27, Sec. 124. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)*

### 11360.

(a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any cannabis shall be punished as follows:

(1) Persons under the age of 18 years shall be punished in the same manner as provided in paragraph (1) of subdivision (b) of Section 11357.

(2) Persons 18 years of age or over shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(3) Notwithstanding paragraph (2), a person 18 years of age or over may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years if:

(A) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code;

(B) The person has two or more prior convictions under paragraph (2);

(C) The offense involved the knowing sale, attempted sale, or the knowing offer to sell, furnish, administer, or give away cannabis to a person under the age of 18 years; or

(D) The offense involved the import, offer to import, or attempted import into this state, or the transport for sale, offer to transport for sale, or attempted transport for sale out of this state, of more than 28.5 grams of cannabis or more than four grams of concentrated cannabis.

(b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of cannabis, other than concentrated cannabis, is guilty of an infraction and shall be punished by a fine of not more than one hundred dollars (\$100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, that person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his or her written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.

(c) For purposes of this section, “transport” means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

*(Amended by Stats. 2017, Ch. 27, Sec. 125. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)*

### 11361.

(a) A person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any cannabis, who unlawfully sells, or offers to sell, any cannabis to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any cannabis to a minor under 14 years of age, or who induces a minor to use cannabis in violation of law shall be punished by imprisonment in the state prison for a period of three, five, or seven years.

(b) A person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any cannabis to a minor 14 years of age or older in violation of law shall be punished by imprisonment in the state prison for a period of three, four, or five years.

*(Amended by Stats. 2017, Ch. 27, Sec. 126. (SB 94) Effective June 27, 2017.)*

11361.1.

(a) The drug education and counseling requirements under Sections 11357, 11358, 11359, and 11360 shall be:

- (1) Mandatory, unless the court finds that such drug education or counseling is unnecessary for the person, or that a drug education or counseling program is unavailable;
  - (2) Free to participants, and shall consist of at least four hours of group discussion or instruction based on science and evidence-based principles and practices specific to the use and abuse of cannabis and other controlled substances.
- (b) For good cause, the court may grant an extension of time not to exceed 30 days for a person to complete the drug education and counseling required under Sections 11357, 11358, 11359, and 11360.

*(Amended by Stats. 2017, Ch. 27, Sec. 127. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)*

11362.

As used in this article “felony offense,” and offense “punishable as a felony” refer to an offense prior to July 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after July 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

*(Amended by Stats. 2011, Ch. 15, Sec. 163. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

11362.1.

(a) Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law, it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to:

- (1) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;
- (2) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than eight grams of cannabis in the form of concentrated cannabis, including as contained in cannabis products;
- (3) Possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants;
- (4) Smoke or ingest cannabis or cannabis products; and
- (5) Possess, transport, purchase, obtain, use, manufacture, or give away cannabis accessories to persons 21 years of age or older without any compensation whatsoever.

(b) Paragraph (5) of subdivision (a) is intended to meet the requirements of subsection (f) of Section 863 of Title 21 of the United States Code (21 U.S.C. Sec. 863(f)) by authorizing, under state law, any person in compliance with this section to manufacture, possess, or distribute cannabis accessories.

(c) Cannabis and cannabis products involved in any way with conduct deemed lawful by this section are not contraband nor subject to seizure, and no conduct deemed lawful by this section shall constitute the basis for detention, search, or arrest.

*(Amended by Stats. 2017, Ch. 27, Sec. 129. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)*

11362.3.

(a) Section 11362.1 does not permit any person to:

- (1) Smoke or ingest cannabis or cannabis products in a public place, except in accordance with Section 26200 of the Business and Professions Code.
- (2) Smoke cannabis or cannabis products in a location where smoking tobacco is prohibited.
- (3) Smoke cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present at the school, day care center, or youth center, except in or upon the grounds of a private residence or in

accordance with Section 26200 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of the school, day care center, or youth center while children are present.

(4) Possess an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

(5) Possess, smoke, or ingest cannabis or cannabis products in or upon the grounds of a school, day care center, or youth center while children are present.

(6) Manufacture concentrated cannabis using a volatile solvent, unless done in accordance with a license under Division 10 (commencing with Section 26000) of the Business and Professions Code.

(7) Smoke or ingest cannabis or cannabis products while driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

(8) Smoke or ingest cannabis or cannabis products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation that is operated in accordance with Section 26200 of the Business and Professions Code and while no persons under 21 years of age are present.

(b) For purposes of this section, the following definitions apply:

(1) "Day care center" has the same meaning as in Section 1596.76.

(2) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

(3) "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

(4) "Youth center" has the same meaning as in Section 11353.1.

(c) Nothing in this section shall be construed or interpreted to amend, repeal, affect, restrict, or preempt laws pertaining to the Compassionate Use Act of 1996.

*(Amended by Stats. 2017, Ch. 27, Sec. 131. (SB 94) Effective June 27, 2017. Note: This section was added on November 8, 2016, by initiative Proposition 64.)*

#### 11362.4.

(a) A person who engages in the conduct described in paragraph (1) of subdivision (a) of Section 11362.3 is guilty of an infraction punishable by no more than a one-hundred-dollar (\$100) fine; provided, however, that persons under 18 years of age shall instead be required to complete four hours of a drug education program or counseling, and up to 10 hours of community service, over a period not to exceed 60 days once the drug education program or counseling and community service opportunity are made available to the person.

(b) A person who engages in the conduct described in paragraph (2), (3), or (4) of subdivision (a) of Section 11362.3 is guilty of an infraction punishable by no more than a two-hundred-fifty-dollar (\$250) fine, unless that activity is otherwise permitted by state and local law; provided, however, that a person under 18 years of age shall instead be required to complete four hours of drug education or counseling, and up to 20 hours of community service, over a period not to exceed 90 days once the drug education program or counseling and community service opportunity are made available to the person.

(c) A person who engages in the conduct described in paragraph (5) of subdivision (a) of Section 11362.3 is subject to the same punishment as provided under subdivision (c) or (d) of Section 11357.

(d) A person who engages in the conduct described in paragraph (6) of subdivision (a) of Section 11362.3 is subject to punishment under Section 11379.6.

(e) A person who violates the restrictions in subdivision (a) of Section 11362.2 is guilty of an infraction punishable by no more than a two-hundred-fifty-dollar (\$250) fine.

(f) Notwithstanding subdivision (e), a person under 18 years of age who violates the restrictions in subdivision (a) of Section 11362.2 shall be punished under paragraph (1) of subdivision (b) of Section 11357.

(g) (1) The drug education program or counseling hours required by this section shall be mandatory unless the court makes a finding that the program or counseling is unnecessary for the person or that a drug education program or counseling is unavailable.

(2) The drug education program required by this section for persons under 18 years of age shall be free to participants and provide at least four hours of group discussion or instruction based on science and evidence-based principles and practices specific to the use and abuse of cannabis and other controlled substances.

(h) Upon a finding of good cause, the court may extend the time for a person to complete the drug education or counseling, and community service required under this section.

*(Amended by Stats. 2018, Ch. 92, Sec. 141. (SB 1289) Effective January 1, 2019. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)*

#### 11362.45.

Section 11362.1 does not amend, repeal, affect, restrict, or preempt:

(a) Laws making it unlawful to drive or operate a vehicle, boat, vessel, or aircraft, while smoking, ingesting, or impaired by, cannabis or cannabis products, including, but not limited to, subdivision (e) of Section 23152 of the Vehicle Code, or the penalties prescribed for violating those laws.

(b) Laws prohibiting the sale, administering, furnishing, or giving away of cannabis, cannabis products, or cannabis accessories, or the offering to sell, administer, furnish, or give away cannabis, cannabis products, or cannabis accessories to a person younger than 21 years of age.

(c) Laws prohibiting a person younger than 21 years of age from engaging in any of the actions or conduct otherwise permitted under Section 11362.1.

(d) Laws pertaining to smoking or ingesting cannabis or cannabis products on the grounds of, or within, any facility or institution under the jurisdiction of the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or on the grounds of, or within, any other facility or institution referenced in Section 4573 of the Penal Code.

(e) Laws providing that it would constitute negligence or professional malpractice to undertake any task while impaired from smoking or ingesting cannabis or cannabis products.

(f) The rights and obligations of public and private employers to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace, or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

(g) The ability of a state or local government agency to prohibit or restrict any of the actions or conduct otherwise permitted under Section 11362.1 within a building owned, leased, or occupied by the state or local government agency.

(h) The ability of an individual or private entity to prohibit or restrict any of the actions or conduct otherwise permitted under Section 11362.1 on the individual's or entity's privately owned property.

(i) Laws pertaining to the Compassionate Use Act of 1996.

*(Amended by Stats. 2017, Ch. 27, Sec. 133. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)*

### **ARTICLE 3. Peyote [11363- 11363.]**

#### 11363.

Every person who plants, cultivates, harvests, dries, or processes any plant of the genus *Lophophora*, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

### **ARTICLE 4. Miscellaneous Offenses and Provisions [11364 - 11376.5]**

#### 11364.

(a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance that is a narcotic drug classified in Schedule III, IV, or V.

(b) This section shall not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for disposal of sharps waste.

(c) Until January 1, 2026, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, this section shall not apply to the possession solely for personal use of hypodermic needles or syringes if acquired from a physician, pharmacist, hypodermic needle and syringe exchange program, or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription.

*(Amended by Stats. 2020, Ch. 274, Sec. 4. (AB 2077) Effective January 1, 2021.)*

11364.7.

(a) (1) Except as authorized by law, any person who delivers, furnishes, or transfers, possesses with intent to deliver, furnish, or transfer, or manufactures with the intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, 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, except as provided in subdivision (b), in violation of this division, is guilty of a misdemeanor.

(2) A public entity, its agents, or employees shall not be subject to criminal prosecution for distribution of hypodermic needles or syringes or any materials deemed by a local or state health department to be necessary to prevent the spread of communicable diseases, or to prevent drug overdose, injury, or disability to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to Chapter 18 (commencing with Section 121349) of Part 4 of Division 105.

(b) Except as authorized by law, any person who manufactures with intent to deliver, furnish, or transfer drug paraphernalia knowing, or under circumstances where one reasonably should know, 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 cocaine, cocaine base, heroin, phencyclidine, or methamphetamine in violation of this division shall be punished by imprisonment in a county jail for not more than one year, or in the state prison.

(c) Except as authorized by law, any person, 18 years of age or over, who violates subdivision (a) by delivering, furnishing, or transferring drug paraphernalia to a person under 18 years of age who is at least three years his or her junior, or who, upon the grounds of a public or private elementary, vocational, junior high, or high school, possesses a hypodermic needle, as defined in paragraph (7) of subdivision (a) of Section 11014.5, with the intent to deliver, furnish, or transfer the hypodermic needle, knowing, or under circumstances where one reasonably should know, that it will be used by a person under 18 years of age to inject into the human body a controlled substance, is guilty of a misdemeanor and shall be punished by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) The violation, or the causing or the permitting of a violation, of subdivision (a), (b), or (c) by a holder of a business or liquor license issued by a city, county, or city and county, or by the State of California, and in the course of the licensee's business shall be grounds for the revocation of that license.

(e) All drug paraphernalia defined in Section 11014.5 is subject to forfeiture and may be seized by any peace officer pursuant to Section 11471 unless its distribution has been authorized pursuant to subdivision (a).

(f) If any provision of this section or the application thereof to any person or circumstance is held invalid, it is the intent of the Legislature that the invalidity shall not affect 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.

*(Amended by Stats. 2018, Ch. 34, Sec. 7. (AB 1810) Effective June 27, 2018.)*

11365.

(a) It is unlawful to visit or to be in any room or place where any controlled substances which are specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) or paragraph (2) of subdivision (d) of Section 11055, or which are narcotic drugs classified in Schedule III, IV, or V, are being unlawfully smoked or used with knowledge that such activity is occurring.



(b) This section shall apply only where the defendant aids, assists, or abets the perpetration of the unlawful smoking or use of a controlled substance specified in subdivision (a). This subdivision is declaratory of existing law as expressed in *People v. Cressey* (1970) 2 Cal. 3d 836.

*(Amended by Stats. 1991, Ch. 551, Sec. 1.)*

#### 11366.

Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (13), (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b), (c), paragraph (1) or (2) of subdivision (d), or paragraph (3) of subdivision (e) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

*(Amended by Stats. 1991, Ch. 492, Sec. 1.)*

#### 11366.6.

Any person who utilizes a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to sell, manufacture, or possess for sale any amount of cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, cocaine as specified in paragraph (6) of subdivision (b) of Section 11055, heroin, phencyclidine, amphetamine, methamphetamine, or lysergic acid diethylamide shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

*(Amended by Stats. 2011, Ch. 15, Sec. 165. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### 11366.7.

(a) This section shall apply to the following:

(1) Any chemical or drug.

(2) Any laboratory apparatus or device.

(b) Any retailer or wholesaler who sells any item in paragraph (1) or (2) of subdivision (a) with knowledge or the intent that it will be used to unlawfully manufacture, compound, convert, process, or prepare a controlled substance for unlawful sale or distribution, shall be punished by imprisonment in a county jail for not more than one year, or in the state prison, or by a fine not exceeding twenty-five thousand dollars (\$25,000), or by both that imprisonment and fine. Any fine collected pursuant to this section shall be distributed as specified in Section 1463.10 of the Penal Code.

*(Amended by Stats. 1994, Ch. 979, Sec. 1. Effective January 1, 1995.)*

#### 11366.8.

(a) Every person who possesses, uses, or controls a false compartment with the intent to store, conceal, smuggle, or transport a controlled substance within the false compartment shall be punished by imprisonment in a county jail for a term of imprisonment not to exceed one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) Every person who designs, constructs, builds, alters, or fabricates a false compartment for, or installs or attaches a false compartment to, a vehicle with the intent to store, conceal, smuggle, or transport a controlled substance shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(c) The term "vehicle" means any of the following vehicles without regard to whether the vehicles are private or commercial, including, but not limited to, cars, trucks, buses, aircraft, boats, ships, yachts, and vessels.

(d) The term "false compartment" means any box, container, space, or enclosure that is intended for use or designed for use to conceal, hide, or otherwise prevent discovery of any controlled substance within or attached to a vehicle, including, but not limited to, any of the following:

(1) False, altered, or modified fuel tanks.

(2) Original factory equipment of a vehicle that is modified, altered, or changed.

(3) Compartment, space, or box that is added to, or fabricated, made, or created from, existing compartments, spaces, or boxes within a vehicle.

*(Amended by Stats. 2011, Ch. 15, Sec. 166. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

11368.

Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured by a forged, fictitious, or altered prescription, shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison.

*(Amended by Stats. 1990, Ch. 43, Sec. 1.)*

11370.

(a) Any person convicted of violating Section 11350, 11351, 11351.5, 11352, 11353, 11355, 11357, 11359, 11360, 11361, 11363, 11366, or 11368, or of committing any offense referred to in those sections, shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him or her suspended by the court, if he or she has been previously convicted of any offense described in subdivision (c).

(b) Any person who was 18 years of age or over at the time of the commission of the offense and is convicted for the first time of selling, furnishing, administering, or giving a controlled substance which is (1) specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, to a minor or inducing a minor to use such a controlled substance in violation of law shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him or her suspended by the court.

(c) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall render a person ineligible for probation or suspension of sentence pursuant to subdivision (a) of this section:

(1) Any felony offense described in this division involving a controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (13), (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(2) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

(d) The existence of any previous conviction or fact which would make a person ineligible for suspension of sentence or probation under this section shall be alleged in the information or indictment, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by a plea of guilty or nolo contendere or by trial by the court sitting without a jury.

*(Amended by Stats. 1986, Ch. 1044, Sec. 13.5.)*

11370.1.

(a) Notwithstanding Section 11350 or 11377 or any other provision of law, every person who unlawfully possesses any amount of a substance containing cocaine base, a substance containing cocaine, a substance containing heroin, a substance containing methamphetamine, a crystalline substance containing phencyclidine, a liquid substance containing phencyclidine, plant material containing phencyclidine, or a hand-rolled cigarette treated with phencyclidine while armed with a loaded, operable firearm is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years.

*(Amended by Stats. 1996, Ch. 1132, Sec. 1. Effective January 1, 1997.)*

11370.2.

(a) Any person convicted of a violation of, or of a conspiracy to violate, Section 11351, 11351.5, or 11352 shall receive, in addition to any other punishment authorized by law, including Section 667.5 of the Penal Code, a full, separate, and consecutive three-year term for each prior felony conviction of, or for each prior felony conviction of conspiracy to violate, Section 11380, whether or not the prior conviction resulted in a term of imprisonment.

(b) Any person convicted of a violation of, or of a conspiracy to violate, Section 11378.5, 11379.5, 11379.6, or 11383 shall receive, in addition to any other punishment authorized by law, including Section 667.5 of the Penal Code, a

full, separate, and consecutive three-year term for each prior felony conviction of, or for each prior felony conviction of conspiracy to violate, Section 11380, whether or not the prior conviction resulted in a term of imprisonment.

(c) Any person convicted of a violation of, or of a conspiracy to violate, Section 11378 or 11379 with respect to any substance containing a controlled substance specified in paragraph (1) or (2) of subdivision (d) of Section 11055 shall receive, in addition to any other punishment authorized by law, including Section 667.5 of the Penal Code, a full, separate, and consecutive three-year term for each prior felony conviction of, or for each prior felony conviction of conspiracy to violate, Section 11380, whether or not the prior conviction resulted in a term of imprisonment.

(d) The enhancements provided for in this section shall be pleaded and proven as provided by law.

(e) The conspiracy enhancements provided for in this section shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(f) Prior convictions from another jurisdiction qualify for use under this section pursuant to Section 668.

*(Amended by Stats. 2017, Ch. 677, Sec. 1. (SB 180) Effective January 1, 2018.)*

#### 11370.4.

(a) Any person convicted of a violation of, or of a conspiracy to violate, Section 11351, 11351.5, or 11352 with respect to a substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, or cocaine as specified in paragraph (6) of subdivision (b) of Section 11055 shall receive an additional term as follows:

(1) Where the substance exceeds one kilogram by weight, the person shall receive an additional term of three years.

(2) Where the substance exceeds four kilograms by weight, the person shall receive an additional term of five years.

(3) Where the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 15 years.

(5) Where the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 20 years.

(6) Where the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(b) Any person convicted of a violation of, or of conspiracy to violate, Section 11378, 11378.5, 11379, or 11379.5 with respect to a substance containing methamphetamine, amphetamine, phencyclidine (PCP) and its analogs shall receive an additional term as follows:

(1) Where the substance exceeds one kilogram by weight, or 30 liters by liquid volume, the person shall receive an additional term of three years.

(2) Where the substance exceeds four kilograms by weight, or 100 liters by liquid volume, the person shall receive an additional term of five years.

(3) Where the substance exceeds 10 kilograms by weight, or 200 liters by liquid volume, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 20 kilograms by weight, or 400 liters by liquid volume, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(c) The additional terms provided in this section shall not be imposed unless the allegation that the weight of the substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, cocaine as specified in paragraph (6) of subdivision (b) of Section 11055, methamphetamine, amphetamine, or phencyclidine (PCP) and its analogs exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(d) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(e) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

*(Amended by Stats. 1998, Ch. 425, Sec. 1. Effective January 1, 1999.)*

11371.

Any person who shall knowingly violate any of the provisions of Section 11153, 11154, 11155, or 11156 with respect to (1) a controlled substance specified in subdivision (b), (c), or (d) of Section 11055, or (2) a controlled substance specified in paragraph (1) of subdivision (b) of Section 11056, or (3) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that such minor shall commit any such offense, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by a fine not exceeding twenty thousand dollars (\$20,000), or by both such fine and imprisonment.

*(Amended by Stats. 2011, Ch. 15, Sec. 168. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

11371.1.

Any person who shall knowingly violate any of the provisions of Section 11173 or 11174 with respect to (1) a controlled substance specified in subdivision (b), (c), or (d) of Section 11055, or (2) a controlled substance specified in paragraph (1) of subdivision (b) of Section 11056, or (3) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that such minor shall commit any such offense, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year.

*(Amended by Stats. 2011, Ch. 15, Sec. 169. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

11372.

(a) In addition to the term of imprisonment provided by law for persons convicted of violating Section 11350, 11351, 11351.5, 11352, 11353, 11355, 11359, 11360, or 11361, the trial court may impose a fine not exceeding twenty thousand dollars (\$20,000) for each offense. In no event shall a fine be levied in lieu of or in substitution for the term of imprisonment provided by law for any of these offenses.

(b) Any person receiving an additional term pursuant to paragraph (1) of subdivision (a) of Section 11370.4, may, in addition, be fined by an amount not exceeding one million dollars (\$1,000,000) for each offense.

(c) Any person receiving an additional term pursuant to paragraph (2) of subdivision (a) of Section 11370.4, may, in addition, be fined by an amount not to exceed four million dollars (\$4,000,000) for each offense.

(d) Any person receiving an additional term pursuant to paragraph (3) of subdivision (a) of Section 11370.4, may, in addition, be fined by an amount not to exceed eight million dollars (\$8,000,000) for each offense.

(e) The court shall make a finding, prior to the imposition of the fines authorized by subdivisions (b) to (e), inclusive, that there is a reasonable expectation that the fine, or a substantial portion thereof, could be collected within a reasonable period of time, taking into consideration the defendant's income, earning capacity, and financial resources.

*(Amended by Stats. 2002, Ch. 787, Sec. 2. Effective January 1, 2003.)*

11372.7.

(a) Except as otherwise provided in subdivision (b) or (e), each person who is convicted of a violation of this chapter shall pay a drug program fee in an amount not to exceed one hundred fifty dollars (\$150) for each separate offense. The court shall increase the total fine, if necessary, to include this increment, which shall be in addition to any other penalty prescribed by law.

(b) The court shall determine whether or not the person who is convicted of a violation of this chapter has the ability to pay a drug program fee. If the court determines that the person has the ability to pay, the court may set the amount to be paid and order the person to pay that sum to the county in a manner that the court believes is reasonable and compatible with the person's financial ability. In its determination of whether a person has the ability to pay, the court shall take into account the amount of any fine imposed upon that person and any amount that person has been ordered to pay in restitution. If the court determines that the person does not have the ability to pay a drug program fee, the person shall not be required to pay a drug program fee.

(c) The county treasurer shall maintain a drug program fund. For every drug program fee assessed and collected pursuant to subdivisions (a) and (b), an amount equal to this assessment shall be deposited into the fund for every conviction pursuant to this chapter, in addition to fines, forfeitures, and other moneys which are transmitted by the courts to the county treasurer pursuant to Sections 11372.5 and 11502. These deposits shall be made prior to any transfer pursuant to Section 11502. Amounts deposited in the drug program fund shall be allocated by the administrator of the county's drug program to drug abuse programs in the schools and the community, subject to the approval of the board of supervisors, as follows:

(1) The moneys in the fund shall be allocated through the planning process established pursuant to Sections 11983, 11983.1, 11983.2, and 11983.3.

(2) A minimum of 33 percent of the fund shall be allocated to primary prevention programs in the schools and the community. Primary prevention programs developed and implemented under this article shall emphasize cooperation in planning and program implementation among schools and community drug abuse agencies, and shall demonstrate coordination through an interagency agreement among county offices of education, school districts, and the county drug program administrator. These primary prevention programs may include:

(A) School- and classroom-oriented programs, including, but not limited to, programs designed to encourage sound decisionmaking, an awareness of values, an awareness of drugs and their effects, enhanced self-esteem, social and practical skills that will assist students toward maturity, enhanced or improved school climate and relationships among all school personnel and students, and furtherance of cooperative efforts of school- and community-based personnel.

(B) School- or community-based nonclassroom alternative programs, or both, including, but not limited to, positive peer group programs, programs involving youth and adults in constructive activities designed as alternatives to drug use, and programs for special target groups, such as women, ethnic minorities, and other high-risk, high-need populations.

(C) Family-oriented programs, including, but not limited to, programs aimed at improving family relationships and involving parents constructively in the education and nurturing of their children, as well as in specific activities aimed at preventing drug abuse.

(d) Moneys deposited into a county drug program fund pursuant to this section shall supplement, and shall not supplant, any local funds made available to support the county's drug abuse prevention and treatment efforts.

(e) This section shall not apply to any person convicted of a violation of subdivision (b) of Section 11357 of the Health and Safety Code.

*(Amended by Stats. 2002, Ch. 545, Sec. 1.5. Effective January 1, 2003.)*

#### 11373.

(a) Whenever any person who is otherwise eligible for probation is granted probation by the trial court after conviction for a violation of any controlled substance offense under this division, the trial court shall, as a condition of probation, order that person to secure education or treatment from a local community agency designated by the court, if the service is available and the person is likely to benefit from the service.

If the defendant is a minor, the trial court shall also order his or her parents or guardian to participate in the education or treatment to the extent the court determines that participation will aid the education or treatment of the minor.

If a minor is found by a juvenile court to have been in possession of any controlled substance, in addition to any other order it may make, the juvenile court shall order the minor to receive education or treatment from a local community agency designated by the court, if the service is available and the person is likely to benefit from the service, and it shall also order his or her parents or guardian to participate in the education or treatment to the extent the court determines that participation will aid the education or treatment of the minor.

(b) The willful failure to complete a court ordered education or treatment program shall be a circumstance in aggravation for purposes of sentencing for any subsequent prosecution for a violation of Section 11353, 11354, or 11380. The failure to complete an education or treatment program because of the person's inability to pay the costs of the program or because of the unavailability to the defendant of appropriate programs is not a willful failure to complete the program.

*(Amended by Stats. 1992, Ch. 185, Sec. 1. Effective January 1, 1993.)*

#### 11374.

Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both.

*(Added by Stats. 1972, Ch. 1407.)*

11375.

(a) As to the substances specified in subdivision (c), this section, and not Sections 11377, 11378, 11379, and 11380, shall apply.

(b) (1) Every person who possesses for sale, or who sells, any substance specified in subdivision (c) shall be punished by imprisonment in the county jail for a period of not more than one year or state prison.

(2) Every person who possesses any controlled substance specified in subdivision (c), unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be guilty of an infraction or a misdemeanor.

(c) This section shall apply to any material, compound, mixture, or preparation containing any of the following substances:

- (1) Chlordiazepoxide.
- (2) Clonazepam.
- (3) Clorazepate.
- (4) Diazepam.
- (5) Flurazepam.
- (6) Lorazepam.
- (7) Mebutamate.
- (8) Oxazepam.
- (9) Prazepam.
- (10) Temazepam.
- (11) Halazepam.
- (12) Alprazolam.
- (13) Propoxyphene.
- (14) Diethylpropion.
- (15) Phentermine.
- (16) Pemoline.
- (17) Fenfluramine.
- (18) Triazolam.

*(Amended (as amended by Stats. 1992, Ch. 616) by Stats. 2001, Ch. 838, Sec. 2. Effective January 1, 2002. Superseded on operative date of amendment by Stats. 1996, Ch. 109, as further amended by Sec. 1 of Stats. 2001, Ch. 838.)*

**ARTICLE 5. Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs  
[11377 - 11382.5]**

11377.

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense

specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) The judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(c) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply:

(1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.

(2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

(d) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.

*(Amended (as amended by Proposition 47) by Stats. 2017, Ch. 269, Sec. 6. (SB 811) Effective January 1, 2018. Note: This section was amended on Nov. 4, 2014, by initiative Prop. 47.)*

#### 11377.5.

(a) Except as otherwise provided in this division, every person who possesses any controlled substance specified in paragraph (11) of subdivision (c) of, or subdivision (g) of, Section 11056 of this code, or paragraph (13) of subdivision (d) of Section 11057 of this code, with the intent to commit sexual assault, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, "sexual assault" means conduct in violation of Section 243.4, 261, 262, 286, 287, or 289 of, or former Section 288a of, the Penal Code.

*(Amended by Stats. 2018, Ch. 423, Sec. 36. (SB 1494) Effective January 1, 2019.)*

#### 11378.

Except as otherwise provided in Article 7 (commencing with Section 4110) of Chapter 9 of Division 2 of the Business and Professions Code, a person who possesses for sale a controlled substance that meets any of the following criteria shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code:

(1) The substance is classified in Schedule III, IV, or V and is not a narcotic drug, except the substance specified in subdivision (g) of Section 11056.

(2) The substance is specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d).

(3) The substance is specified in paragraph (11) of subdivision (c) of Section 11056.

(4) The substance is specified in paragraph (2) or (3) of subdivision (f) of Section 11054.

(5) The substance is specified in subdivision (d), (e), or (f), except paragraph (3) of subdivision (e) and subparagraphs (A) and (B) of paragraph (2) of subdivision (f), of Section 11055.

*(Amended by Stats. 2013, Ch. 76, Sec. 110. (AB 383) Effective January 1, 2014.)*

#### 11378.5.

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale phencyclidine or any analog or any precursor of phencyclidine which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) or in subdivision (f), except subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

*(Amended by Stats. 2011, Ch. 15, Sec. 173. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### 11379.

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g) of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d) or (e), except paragraph (3) of subdivision (e), or specified in subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, “transports” means to transport for sale.

(d) Nothing in this section is intended to preclude or limit prosecution under an aiding and abetting theory, accessory theory, or a conspiracy theory.

*(Amended by Stats. 2014, Ch. 54, Sec. 8. (SB 1461) Effective January 1, 2015.)*

#### 11379.2.

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale or sells any controlled substance specified in subdivision (g) of Section 11056 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.

*(Added by Stats. 1991, Ch. 294, Sec. 5.)*

#### 11379.5.

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport phencyclidine or any of its analogs which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, or its precursors as specified in subparagraph (A) or (B) of paragraph (2) of subdivision (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports for sale any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, “transport” means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

*(Amended by Stats. 2015, Ch. 77, Sec. 2. (AB 730) Effective January 1, 2016.)*

#### 11379.6.

(a) Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, five, or seven years and by a fine not exceeding fifty thousand dollars (\$50,000).

(b) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred shall be considered a factor in aggravation by the sentencing court.



(c) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(d) The fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(e) Except as otherwise provided by law, every person who offers to perform an act which is punishable under subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(f) All fines collected pursuant to subdivision (a) shall be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, as established by Section 5 of Chapter 1295 of the Statutes of 1987. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by the county.

*(Amended by Stats. 2015, Ch. 141, Sec. 1. (SB 212) Effective January 1, 2016.)*

#### 11379.7.

(a) Except as provided in subdivision (b), any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years in the state prison.

(b) Any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, where the commission of the crime causes any child under 16 years of age to suffer great bodily injury, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of five years in the state prison.

(c) As used in this section, "structure" means any house, apartment building, shop, warehouse, barn, building, vessel, railroad car, cargo container, motor vehicle, housecar, trailer, trailer coach, camper, mine, floating home, or other enclosed structure capable of holding a child and manufacturing equipment.

(d) As used in this section, "great bodily injury" has the same meaning as defined in Section 12022.7 of the Penal Code.

*(Added by Stats. 1996, Ch. 871, Sec. 1. Effective January 1, 1997.)*

#### 11379.8.

(a) Any person convicted of a violation of subdivision (a) of Section 11379.6, or of a conspiracy to violate subdivision (a) of Section 11379.6, with respect to any substance containing a controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054, or in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) or in paragraph (2) of subdivision (f) of Section 11055 shall receive an additional term as follows:

(1) Where the substance exceeds three gallons of liquid by volume or one pound of solid substances by weight, the person shall receive an additional term of three years.

(2) Where the substance exceeds 10 gallons of liquid by volume or three pounds of solid substance by weight, the person shall receive an additional term of five years.

(3) Where the substance exceeds 25 gallons of liquid by volume or 10 pounds of solid substance by weight, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substance by weight, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(b) The additional terms provided in this section shall not be imposed unless the allegation that the controlled substance exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(c) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The conspiracy enhancements provided for in this section shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the direction or supervision of, or in a significant portion of the financing of, the underlying offense.

*(Amended by Stats. 1998, Ch. 425, Sec. 3. Effective January 1, 1999.)*

#### 11379.9.

(a) Except as provided by Section 11379.7, any person convicted of a violation of, or of an attempt to violate, subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the offense causes the death or great bodily injury of another person other than an accomplice, shall, in addition and consecutive to any other punishment authorized by law, be punished by an additional term of one year in the state prison for each death or injury.

(b) Nothing in this section shall preclude prosecution under both this section and Section 187, 192, or 12022.7, or any other provision of law. However, a person who is punished under another provision of law for causing death or great bodily injury as described in subdivision (a) shall not receive an additional term of imprisonment under this section.

*(Amended by Stats. 1998, Ch. 936, Sec. 2. Effective September 28, 1998.)*

#### 11380.

(a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

*(Amended by Stats. 2001, Ch. 841, Sec. 8. Effective January 1, 2002.)*

#### 11380.1.

(a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high school, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full

and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The definitions contained in subdivision (e) of Section 11353.1 shall apply to this section.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

*(Amended by Stats. 1993, Ch. 556, Sec. 3.5. Effective January 1, 1994.)*

#### 11380.7.

(a) Notwithstanding any other provision of law, any person who is convicted of trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), or of a conspiracy to commit trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), in addition to the punishment imposed for the conviction, shall be imprisoned pursuant to subdivision (h) of Section 1170 of the Penal Code for an additional one year if the violation occurred upon the grounds of, or within 1,000 feet of, a drug treatment center, detoxification facility, or homeless shelter.

(b) (1) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(2) The additional punishment provided in this section shall not be imposed if any other additional punishment is imposed pursuant to Section 11353.1, 11353.5, 11353.6, 11353.7, or 11380.1.

(c) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment. In determining whether or not to strike the additional punishment, the court shall consider the following factors and any relevant factors in aggravation or mitigation in Rules 4.421 and 4.423 of the California Rules of Court.

(1) The following factors indicate that the court should exercise its discretion to strike the additional punishment unless these factors are outweighed by factors in aggravation:

(A) The defendant is homeless, or is in a homeless shelter or transitional housing.

(B) The defendant lacks resources for the necessities of life.

(C) The defendant is addicted to or dependent on controlled substances.

(D) The defendant's motive was merely to maintain a steady supply of drugs for personal use.

(E) The defendant was recruited or exploited by a more culpable person to commit the crime.

(2) The following factors indicate that the court should not exercise discretion to strike the additional punishment unless these factors are outweighed by factors in mitigation:

(A) The defendant, in committing the crime, preyed on homeless persons, drug addicts or substance abusers who were seeking treatment, shelter or transitional services.

(B) The defendant's primary motive was monetary compensation.

(C) The defendant induced others, particularly homeless persons, drug addicts and substance abusers, to become involved in trafficking.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Detoxification facility" means any premises, place, or building in which 24-hour residential nonmedical services are provided to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

(2) “Drug treatment program” or “drug treatment” has the same meaning set forth in subdivision (b) of Section 1210 of the Penal Code.

(3) “Homeless shelter” includes, but is not limited to, emergency shelter housing, as well as transitional housing, but does not include domestic violence shelters. “Emergency shelter housing” is housing with minimal support services for homeless persons in which residency is limited to six months or less and is not related to the person’s ability to pay. “Transitional housing” means housing with supportive services, including self-sufficiency development services, which is exclusively designed and targeted to help recently homeless persons find permanent housing as soon as reasonably possible, limits residency to 24 months, and in which rent and service fees are based on ability to pay.

(4) “Trafficking” means any of the unlawful activities specified in Sections 11351, 11351.5, 11352, 11353, 11354, 11378, 11379, 11379.6, and 11380. It does not include simple possession or drug use.

*(Amended by Stats. 2011, Ch. 15, Sec. 177. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

### 11382.

Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance which is (a) classified in Schedule III, IV, or V and which is not a narcotic drug, or (b) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, or specified in subdivision (d), (e), or (f) of Section 11055, to any person, or offers, arranges, or negotiates to have that controlled substance unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, or arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of that controlled substance shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of Section 1170 of the Penal Code.

*(Amended by Stats. 2011, 1st Ex. Sess., Ch. 12, Sec. 5. (AB 17 1x) Effective September 21, 2011. Operative October 1, 2011, by Sec. 46 of Ch. 12.)*

### 11382.5.

All controlled substances in Schedules I, II, III, IV, and V, in solid or capsule form, except for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist on January 1, 1975, shall not be sold, furnished, or distributed in this state unless they have on the controlled substance if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such controlled substance. However, the exception for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist shall not be available to any wholesaler, retailer, or pharmacist under the control or jurisdiction of a manufacturer of controlled substances.

This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such controlled substance in the course of his practice as a pharmacist for direct dispensing by him upon a prescription of any person licensed to prescribe such controlled substances.

*(Added by Stats. 1974, Ch. 926.)*

## **ARTICLE 6. Precursors of Phencyclidine (PCP) and Methamphetamine**

### 11383.

(a) Any person who possesses at the same time any of the following combinations, a combination product thereof, or possesses any compound or mixture containing the chemicals listed in the following combinations, with the intent to manufacture phencyclidine (PCP) or any of its analogs specified in subdivision (d) of Section 11054 or subdivision (e) of Section 11055, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years:

- (1) Piperidine and cyclohexanone.
- (2) Pyrrolidine and cyclohexanone.
- (3) Morpholine and cyclohexanone.

(b) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section, with the intent to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years:

(1) Phencyclidine (PCP).

(2) Any analog of PCP specified in subdivision (d) of Section 11054, or in subdivision (e) of Section 11055.

(c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA), 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to manufacture phencyclidine, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to manufacture phencyclidine, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(e) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the Board of Pharmacy to possess those substances or combinations of substances.

*(Amended by Stats. 2011, Ch. 15, Sec. 179. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

### 11383.5.

(a) Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture N-ethylamphetamine, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(b) (1) Any person who, with the intent to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses at the same time any of the following, or a combination product thereof, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years:

(A) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus hydriodic acid.

(B) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, thionyl chloride and hydrogen gas.

(C) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus phosphorus pentachloride and hydrogen gas.

(D) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, chloroephedrine and chloropseudoephedrine, or phenylpropanolamine, plus any reducing agent.

(2) Any person who, with the intent to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055, possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or a reducing agent is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(c) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section, with the intent to manufacture any of the following controlled substances, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years:

(1) Methamphetamine.

(2) Any analog of methamphetamine specified in subdivision (d) of Section 11055.

(3) N-ethylamphetamine.

(d) Any person who possesses immediate precursors sufficient for the manufacture of methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a reducing agent, with the intent to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, four, or six years.

(g) For purposes of this section, a “reducing agent” for the purposes of manufacturing methamphetamine means an agent that causes reduction to occur by either donating a hydrogen atom to an organic compound or by removing an oxygen atom from an organic compound.

(h) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the Board of Pharmacy to possess those substances or combinations of substances.

*(Amended by Stats. 2011, Ch. 15, Sec. 180. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### 11383.6.

(a) Any person who possesses at the same time any of the following combinations, a combination product thereof, or possesses any compound or mixture containing the chemicals listed in the following combinations, with the intent to sell, transfer, or otherwise furnish those chemicals, combinations, or mixtures to another person with the knowledge that they will be used to manufacture phencyclidine (PCP) or any of its analogs specified in subdivision (d) of Section 11054 or subdivision (e) of Section 11055 is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years:

(1) Piperidine and cyclohexanone.

(2) Pyrrolidine and cyclohexanone.

(3) Morpholine and cyclohexanone.

(b) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section with the intent to sell, transfer, or otherwise furnish the isomer to another person with the knowledge that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years:

(1) Phencyclidine (PCP).

(2) Any analog of PCP specified in subdivision (d) of Section 11054, or in subdivision (e) of Section 11055.

(c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA), 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to sell, transfer, or otherwise furnish the compound or mixture to another person with the knowledge that it will be used to manufacture phencyclidine is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to sell, transfer or otherwise furnish the immediate precursors to another person with the knowledge that they will be used to manufacture phencyclidine is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(e) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the Board of Pharmacy to possess those substances or combinations of substances.

*(Amended by Stats. 2011, Ch. 15, Sec. 181. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

#### 11383.7.

(a) Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the knowledge that they will be used to manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the

knowledge that they will be used to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(b) (1) Any person who possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses at the same time any of the following, or a combination product thereof, with the intent to sell, transfer, or otherwise furnish those chemicals, substances, or products to another person with the knowledge that they will be used to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055 is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years:

(A) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus hydriodic acid.

(B) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, thionyl chloride and hydrogen gas.

(C) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus phosphorus pentachloride and hydrogen gas.

(D) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, chloroephedrine and chloropseudoephedrine, or phenylpropanolamine, plus any reducing agent.

(2) Any person who possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or a reducing agent with the intent to sell, transfer, or otherwise furnish that chemical, product, or substance to another person with the knowledge that they will be used to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055 is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(c) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section with the intent to sell, transfer, or otherwise furnish any of the compounds to another person with the knowledge that they will be used to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years:

(1) Methamphetamine.

(2) Any analog of methamphetamine specified in subdivision (d) of Section 11055.

(3) N-ethylamphetamine.

(d) Any person who possesses immediate precursors sufficient for the manufacture of methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish these substances to another person with the knowledge that they will be used to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a reducing agent with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the knowledge that they will be used to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish that compound or mixture to another person with the knowledge that they will be used to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two, or three years.

(g) For purposes of this section, a "reducing agent" for the purposes of manufacturing methamphetamine means an agent that causes reduction to occur by either donating a hydrogen atom to an organic compound or by removing an oxygen atom from an organic compound.

(h) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the Board of Pharmacy to possess those substances or combinations of substances.

*(Amended by Stats. 2011, Ch. 15, Sec. 182. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

ARTICLE 7. Mushrooms [11390 - 11392]

11390.

Except as otherwise authorized by law, every person who, with intent to produce a controlled substance specified in paragraph (18) or (19) of subdivision (d) of Section 11054, cultivates any spores or mycelium capable of producing mushrooms or other material which contains such a controlled substance shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.

*(Added by Stats. 1985, Ch. 1264, Sec. 2.)*

11391.

(a) Except as otherwise authorized by law, every person who transports, imports into this state, sells, furnishes, gives away, or offers to transport, import into this state, sell, furnish, or give away any spores or mycelium capable of producing mushrooms or other material which contain a controlled substance specified in paragraph (18) or (19) of subdivision (d) of Section 11054 for the purpose of facilitating a violation of Section 11390 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.

(b) For purposes of this section, "transport" means to transport for sale.

(c) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

*(Amended by Stats. 2015, Ch. 77, Sec. 3. (AB 730) Effective January 1, 2016.)*

ARTICLE 1. Addicts [11550 - 11555]

11550.

(a) A person shall not use, or be under the influence of any controlled substance that is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. A person convicted of violating this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not more than one year in a county jail. The court may also place a person convicted under this subdivision on probation for a period not to exceed five years.

(b) (1) A person who is convicted of violating subdivision (a) when the offense occurred within seven years of that person being convicted of two or more separate violations of that subdivision, and refuses to complete a licensed drug rehabilitation program offered by the court pursuant to subdivision (c), shall be punished by imprisonment in a county jail for not less than 180 days nor more than one year. In no event does the court have the power to absolve a person convicted of a violation of subdivision (a) who is punishable under this subdivision from the obligation of spending at least 180 days in confinement in a county jail unless there are no licensed drug rehabilitation programs reasonably available.

(2) For the purpose of this section, a drug rehabilitation program is not reasonably available unless the person is not required to pay more than the court determines that he or she is reasonably able to pay in order to participate in the program.

(c) (1) The court may, when it would be in the interest of justice, permit a person convicted of a violation of subdivision (a) punishable under subdivision (a) or (b) to complete a licensed drug rehabilitation program in lieu of part or all of the imprisonment in a county jail. As a condition of sentencing, the court may require the offender to pay all or a portion of the drug rehabilitation program.

(2) In order to alleviate jail overcrowding and to provide recidivist offenders with a reasonable opportunity to seek rehabilitation pursuant to this subdivision, counties are encouraged to include provisions to augment licensed drug rehabilitation programs in their substance abuse proposals and applications submitted to the state for federal and state drug abuse funds.

(d) In addition to any fine assessed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23



of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and a defendant shall not be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(e) (1) Notwithstanding subdivisions (a) and (b) or any other law, a person who is unlawfully under the influence of cocaine, cocaine base, heroin, methamphetamine, or phencyclidine while in the immediate personal possession of a loaded, operable firearm is guilty of a public offense punishable by imprisonment in a county jail for not exceeding one year or in state prison.

(2) As used in this subdivision "immediate personal possession" includes, but is not limited to, the interior passenger compartment of a motor vehicle.

(f) Every person who violates subdivision (e) is punishable upon the second and each subsequent conviction by imprisonment in the state prison for two, three, or four years.

(g) This section does not prevent deferred entry of judgment or a defendant's participation in a preguilty plea drug court program under Chapter 2.5 (commencing with Section 1000) of Title 6 of Part 2 of the Penal Code unless the person is charged with violating subdivision (b) or (c) of Section 243 of the Penal Code. A person charged with violating this section by being under the influence of any controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055 and with violating either subdivision (b) or (c) of Section 243 of the Penal Code or with a violation of subdivision (e) shall be ineligible for deferred entry of judgment or a preguilty plea drug court program.

*(Amended by Stats. 2014, Ch. 819, Sec. 1. (AB 2492) Effective January 1, 2015.)*

## **Alcohol Laws**

### **Business and Professions Code - BPC**

#### **DIVISION 9. ALCOHOLIC BEVERAGES [23000 - 25762]**

#### **CHAPTER 16. Regulatory Provisions [25600 - 25686]**

#### **ARTICLE 3. Women and Minors [25657 - 25668]**

##### 25658.

(a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor.

(b) Except as provided in Section 25667 or 25668, any person under 21 years of age who purchases any alcoholic beverage, or any person under 21 years of age who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to themselves or any other person, is guilty of a misdemeanor.

(d) Any on-sale licensee who knowingly permits a person under 21 years of age to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under 21 years of age, is guilty of a misdemeanor.

(e) (1) Except as otherwise provided in paragraph (2) or (3), or Section 25667 or 25668, any person who violates this section shall be punished by a fine of two hundred fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. A second or subsequent violation of subdivision (b), where prosecution of the previous violation was not barred pursuant to Section 25667 or 25668, shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(2) Except as provided in paragraph (3), any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars

(\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and is not attending school.

(3) Any person who violates subdivision (c) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.

(f) Persons under 21 years of age may be used by peace officers in the enforcement of this section to apprehend licensees, or employees or agents of licensees, or other persons who sell or furnish alcoholic beverages to minors. Notwithstanding subdivision (b), any person under 21 years of age who purchases or attempts to purchase any alcoholic beverage while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase an alcoholic beverage. Guidelines with respect to the use of persons under 21 years of age as decoys shall be adopted and published by the department in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by the department shall be authorized as long as the minor decoy displays to the seller of alcoholic beverages the appearance of a person under 21 years of age. This subdivision shall not be construed to prevent the department from taking disciplinary action against a licensee who sells alcoholic beverages to a minor decoy prior to the department's final adoption of regulatory guidelines. After the completion of every minor decoy program performed under this subdivision, the law enforcement agency using the decoy shall notify licensees within 72 hours of the results of the program. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given to licensees and the department within 72 hours of the issuance of the citation. A law enforcement agency may comply with this requirement by leaving a written notice at the licensed premises addressed to the licensee, or by mailing a notice addressed to the licensee.

(g) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law, including, but not limited to, Section 272 of the Penal Code.

*(Amended by Stats. 2019, Ch. 505, Sec. 1. (SB 485) Effective January 1, 2020.)*

#### 25658.2.

(a) A parent or legal guardian who knowingly permits his or her child, or a person in the company of the child, or both, who are under the age of 18 years, to consume an alcoholic beverage or use a controlled substance at the home of the parent or legal guardian is guilty of misdemeanor if all of the following occur:

(1) As the result of the consumption of an alcoholic beverage or use of a controlled substance at the home of the parent or legal guardian, the child or other underage person has a blood-alcohol concentration of 0.05 percent or greater, as measured by a chemical test, or is under the influence of a controlled substance.

(2) The parent knowingly permits that child or other underage person, after leaving the parent's or legal guardian's home, to drive a vehicle.

(3) That child or underage person is found to have caused a traffic collision while driving the vehicle.

(b) A person who violates subdivision (a) shall be punished by imprisonment in a county jail for a term not to exceed one year, by a fine not exceeding one thousand dollars (\$1,000), or by both imprisonment and fine.

*(Added by Stats. 2003, Ch. 625, Sec. 1. Effective January 1, 2004.)*

#### 25658.5.

(a) Any person under 21 years of age who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction and shall be punished by a fine of not more than two hundred fifty dollars (\$250), or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service as determined by the court. A second or subsequent violation of this section shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service, as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(b) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law.

*(Amended by Stats. 2019, Ch. 505, Sec. 3. (SB 485) Effective January 1, 2020.)*

25661.

(a) Any person under 21 years of age who presents or offers to any licensee, or agent or employee of a licensee, any written, printed, or photostatic evidence of age and identity which is false, fraudulent or not actually their own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who possesses any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least two hundred fifty dollars (\$250), no part of which shall be suspended; or the person shall be required to perform not less than 24 hours nor more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court. A second or subsequent violation of this section shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service, as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(b) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law.

*(Amended by Stats. 2019, Ch. 505, Sec. 4. (SB 485) Effective January 1, 2020.)*

25662.

(a) Except as provided in Section 25667 or 25668, any person under 21 years of age who possesses any alcoholic beverage on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of two hundred fifty dollars (\$250) or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school. A second or subsequent violation shall be punishable as a misdemeanor and the person shall be fined not more than five hundred dollars (\$500), or required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides. This section does not apply to possession by a person under 21 years of age making a delivery of an alcoholic beverage in pursuance of the order of a parent, responsible adult relative, or any other adult designated by the parent or legal guardian, or in pursuance of employment. That person shall have a complete defense if they were following, in a timely manner, the reasonable instructions of a parent, legal guardian, responsible adult relative, or adult designee relating to disposition of the alcoholic beverage.

(b) Unless otherwise provided by law, where a peace officer has lawfully entered the premises, the peace officer may seize any alcoholic beverage in plain view that is in the possession of, or provided to, a person under 21 years of age at social gatherings, when those gatherings are open to the public, 10 or more persons under 21 years of age are participating, persons under 21 years of age are consuming alcoholic beverages, and there is no supervision of the social gathering by a parent or guardian of one or more of the participants.

Where a peace officer has seized alcoholic beverages pursuant to this subdivision, the officer may destroy any alcoholic beverage contained in an opened container and in the possession of, or provided to, a person under 21 years of age, and, with respect to alcoholic beverages in unopened containers, the officer shall impound those beverages for a period not to exceed seven working days pending a request for the release of those beverages by a person 21 years of age or older who is the lawful owner or resident of the property upon which the alcoholic beverages were seized. If no one requests release of the seized alcoholic beverages within that period, those beverages may be destroyed.

(c) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law.

*(Amended by Stats. 2019, Ch. 505, Sec. 5. (SB 485) Effective January 1, 2020.)*

## **FEDERAL**

Title 21 United States Code (USC) Controlled Substances Act

Part D — Offenses and Penalties

### **§841. Prohibited acts A**

#### **(a) Unlawful acts**

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or

(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

#### **b) Penalties**

Except as otherwise provided in section 849, 859, 860, or 861 of this title, any person who violates subsection (a) of this section shall be sentenced as follows:

(1)(A) In the case of a violation of subsection (a) of this section involving—

(i) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

(ii) 5 kilograms or more of a mixture or substance containing a detectable amount of—

(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);

(iii) 280 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

(iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(vi) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [ 1- ( 2-phenylethyl ) -4-piperidinyl ] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 1,000 or more marihuana plants regardless of weight; or

(viii) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;

such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both. If any person commits a violation of this subparagraph

or of section 849, 859, 860, or 861 of this title after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. Notwithstanding section 3583 of title 18, any sentence under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(B) In the case of a violation of subsection (a) of this section involving—

- (i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- (ii) 500 grams or more of a mixture or substance containing a detectable amount of—
  - (I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
  - (II) cocaine, its salts, optical and geometric isomers, and salts of isomers;
  - (III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
  - (IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);
- (iii) 28 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;
- (iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- (v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- (vi) 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [ 1- ( 2-phenylethyl ) -4-piperidinyl ] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;
- (vii) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 100 or more marihuana plants regardless of weight; or
- (viii) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers; such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$5,000,000 if the defendant is an individual or \$25,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$8,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this subparagraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(C) In the case of a controlled substance in schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000), or 1 gram of flunitrazepam, except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty

years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.

(D) In the case of less than 50 kilograms of marihuana, except in the case of 50 or more marihuana plants regardless of weight, 10 kilograms of hashish, or one kilogram of hashish oil, such person shall, except as provided in paragraphs (4) and (5) of this subsection, be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(E)(i) Except as provided in subparagraphs (C) and (D), in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.

(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least one year in addition to

such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than one year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 4 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.

(4) Notwithstanding paragraph (1)(D) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marihuana for no remuneration shall be treated as provided in section 844 of this title and section 3607 of title 18.

(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed—

- (A) the amount authorized in accordance with this section;
  - (B) the amount authorized in accordance with the provisions of title 18;
  - (C) \$500,000 if the defendant is an individual; or
  - (D) \$1,000,000 if the defendant is other than an individual;
- or both.

(6) Any person who violates subsection (a) of this section, or attempts to do so, and knowingly or intentionally uses a poison, chemical, or other hazardous substance on Federal land, and, by such use—

- (A) creates a serious hazard to humans, wildlife, or domestic animals,
  - (B) degrades or harms the environment or natural resources, or
  - (C) pollutes an aquifer, spring, stream, river, or body of water,
- shall be fined in accordance with title 18 or imprisoned not more than five years, or both.

(7) Penalties for distribution.—

(A) In general.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18 (including rape), against an individual, violates subsection (a) of this section by distributing a controlled substance or controlled substance analogue to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18.

(B) Definition.—For purposes of this paragraph, the term "without that individual's knowledge" means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.

### **SCHOOL SANCTIONS \*\***

**(APPLIED TO ALL CATEGORIES OF SUBSTANCES)**

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

- Use, possession, distribution or sale of drugs, except permitted substances when taken under a doctor's prescription and consistent with a doctor's instructions. Even where otherwise permitted under local law,

marijuana use, possession or influence on University premises, at University events, or that adversely affects the Chamberlain community, is prohibited.

- Possession, distribution, sale or consumption of alcoholic beverages, except as expressly permitted by law and University regulations. Violation of state, federal or other local regulations with respect to alcohol are subject to both criminal prosecution and disciplinary action.

The sanctions listed below may be imposed upon any student found to have violated the Student Code of Conduct. The listing of the sanctions should not be construed to imply that students are entitled to progressive discipline. The sanctions may be used in any order and/or combination that the University deems appropriate for the conduct in question. Students should be advised that conduct violations could impact privileges associated with the University, including but not limited to leadership/officer roles and/or holding positions of influence.

- Warning – A verbal or written notice to the student that the student is in violation of or has violated University regulations.
- Probation – A written reprimand for violation of specific regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any University regulation(s) during the probationary period.
- Loss of Privileges – Denial of specified privileges for a designated period of time.
- Fines – Monetary penalties may be imposed, as determined or approved by the University.
- Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions – Work assignments, service to the University or other related discretionary assignments.
- University Suspension – Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- University Expulsion – Permanent separation of the student from all University locations.
- Revocation of degree – Revocation of a previously conferred degree or certificate. Students whose degree award conferrals are revoked remain responsible for fulfilling financial obligations to Chamberlain, to federal, state and local governments and to private loan providers.
- Rescinding admission – Rescinding admission to the University is generally a permanent decision applicable to all programs. Rescinding admission is at the sole discretion of the director of admission and not subject to the conduct procedures noted above.
- Denial of admission – Denial of admission to the program is generally a permanent decision applicable to all programs. Denial of admission is at the sole discretion of the director of admission and not subject to the conduct procedures above.

More than one sanction listed above may be imposed for any single violation. In each case in which a Professional Review Committee determines that a student has violated the Student Code of Conduct, sanction(s) shall be determined and imposed. Following the decision of the Professional Review Committee, the student services manager shall advise the student in writing of its determination and of the sanction(s) imposed, if any.

Other than University suspension and University expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record. Upon graduation, the student may petition the program administrator to have his or her confidential disciplinary record expunged or partially expunged of disciplinary actions. Whether or not to grant the request to expunge or partially expunge shall be at the University's discretion.

#### **FACULTY AND STAFF**

Colleagues of the institution are prohibited from:

- Possession, use or sale of illegal drugs or substances
- Possession on organization premises of open containers of alcoholic beverages, or drinking on the premises, except at organization-approved events
- Providing alcoholic beverages to underage students



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**

Baldwin Park (626) 856-8648

El Monte (626) 444-3714

West Covina (626) 917-5556

#### **Narcotics Anonymous**

800-863-2962

### **STUDENT CODE OF CONDUCT**

The Chamberlain University Student Code of Conduct incorporates all related policies, including the Academic Integrity Policy, the Professional Conduct Policy, the Network and Responsible Computing Policy, the Sexual Misconduct Response and Prevention Policy and the Social Media Policy. The Student Code of Conduct is designed to foster a fair and impartial set of standards by which alleged violations of the policy will be judged. All students are required to adhere to these standards. Chamberlain University requires all students to verify their identity and confirm their understanding and agreement with Chamberlain Code of Conduct policies upon initial sign on to the learning platform browser.

#### **Terminology**

1. The term “University” or “Chamberlain“ means Chamberlain University.
2. The term “student” includes all persons taking courses (both full- and part-time, matriculating and non-matriculating, online and on-site), receiving services from the University or otherwise enrolled in undergraduate, graduate or professional courses at the University. Persons not officially enrolled for a particular term but having a continuing relationship with the University are considered “students,” with the expectation that Chamberlain staff are not “students” by nature of their continuing employment or contractual relationship with Chamberlain.
3. The terms “faculty member” and “instructor” mean any person hired by or contracted with the University to conduct instructional activities.
4. The term “Chamberlain staff” means any person employed by the University, with the exception of student employees.
5. The term “Chamberlain community” includes students, faculty members or Chamberlain staff and/or any other individuals associated with the University. The program administrator or designee shall determine a person’s status in a particular situation.
6. The term “Chamberlain premises” includes all land, buildings, facilities, student housing and other property in the possession of or owned, used or controlled by the University (including parking lots, adjacent streets and sidewalks).
7. The term “shall” or “will” is used in the imperative sense.

8. The term “may” is used in the permissive sense.
9. The “program administrator” is the campus president or approved designee or the online program dean/director or approved designee.
10. The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Student Handbook, the Student Portal, the Academic Catalog and the website.
11. The term “Hearing Panel,” “Panel” or “Professional Review Committee” refers to a university committee comprised of a Chamberlain faculty representative of a student’s home location and approved corresponding university staff representatives.

## **I. Academic Integrity Policy**

### **A. Purpose**

The purpose of the Academic Integrity Policy is to have ideas and learning form the core of the Chamberlain community. In all centers of education, learning is valued and honored. No learning community can thrive if its members counterfeit their achievements or seek to establish an unfair advantage over their fellow students. Chamberlain University academic standards are based on the pursuit of knowledge and assume a high level of integrity in every member of the Chamberlain community. When this trust is violated, the community suffers injury and must act to ensure that its standards remain meaningful.

### **B. Violations of Academic Integrity**

Violations of academic integrity, for the purposes of this policy, are those that permit a student to gain an unfair advantage over other students. Any purposeful deception in the preparation and/or submission of papers and assignments and completion of exams, tests or quizzes is considered cheating and is a violation of academic integrity. The following are violations of academic integrity. This list is not all-inclusive and instructors may establish other standards based upon the nature of the course or the setting in which the course material may be delivered or applied.

#### **1. Copying**

The act of copying is not limited by the method of conveyance. Visual, oral, printed matter (including notes) or electronic means all constitute methods by which copying can occur. Examples of copying include:

- Any act of taking information from another student by any means to obtain an advantage for one’s self
- Any act of conveying information to another student for the purpose of providing an unfair advantage to that student
- Any act of representing another’s work, whether copyrighted or not, as one’s own. Another’s work includes, but is not limited to, homework, written papers, examinations, laboratory assignments, published work, etc.

#### **2. Plagiarism**

Plagiarism is a serious offense. Students acknowledge that by taking a course, all required papers, discussions or other written learning activities may be subject to submission for textual similarity review to Turnitin® or other anti-plagiarism software for the detection of plagiarism. All submitted papers will be included as source documents in the anti-plagiarism software reference database solely for the purpose of detecting plagiarism of such papers. Use of Turnitin® or other anti-plagiarism software service is subject to the Terms and Conditions of Use posted on the software sites. In speaking or writing, plagiarism is the intentional or unintentional act of representing someone else’s work as one’s own. In addition, plagiarism is defined as using the essential style and manner of expression of a source as if it were one’s own. If there is any doubt, the student should consult the faculty or adopt a “when-in-doubt document” philosophy and reference the information source. Any statement made without documentation is de facto, claimed as one’s own and may subject one to charges of plagiarism.

Examples of Plagiarism:

- A submitted paper or other written assignment that contains word-for-word passages of others' work without proper acknowledgment
- Paraphrasing the work of others, including specific information or ideas that are not properly acknowledged/cited
- Two or more submitted papers, lab assignments, etc., that contain a resemblance decidedly beyond the bounds of reasonable coincidence
- A submitted paper, examination or assignment containing data or conclusions which, upon questioning, the student cannot explain, support or demonstrate direct knowledge
- Computer Piracy: Includes any act of copyright infringement (protected by federal, state or local law), the use of software, which has otherwise been expressly prohibited, copying, duplicating software code and copying of notes, specifications or technical descriptions of any software code whether copyrighted or not
- Self-plagiarism: Students who use their own previously "published work" without referencing the publication (i.e., work the student has written and was published in a journal, text book, etc. and was not referenced appropriately as the student's work) Each assignment should be new, original work created by the student to meet the objectives of that particular assignment. Reuse of prior course work from a non-repeated course with missing or incorrect internal parenthetical citations(s) or reference(s) would be treated as plagiarism. However, certain circumstances are permissible with proper referencing, such as:
  - Repeated Course/Reused Work (Post-Licensure Nursing only): In post-licensure nursing programs, students who repeat the same course may reuse previously submitted work in its entirety without penalty. It is the student's responsibility to ensure the assignment still meets the requirements of the course that is being repeated. Reusing work only applies to graded assignments, not discussion post replies or clinical paperwork (except in the FNP track, where it does apply to case studies). If awarded a lower grade for reused work, this is not grounds for a grade appeal and the grade awarded is final.
  - Repurposed Work (Chamberlain University Graduate Programs only): Graduate students have the opportunity to use previously submitted ideas as a foundation for future courses. No more than 50 percent of an assignment, excluding references, may be repurposed from another Chamberlain University course (excluding practicum courses). Previous course assignments that are deemed building blocks will be notated in the syllabus by the course leader. As with every assignment, students must uphold academic integrity; therefore, students must follow the guidelines for remaining academically honest according to the Academic Integrity policy.
  - Pre-Licensure Nursing Program: Reused and repurposed work is not permitted in the Pre-Licensure Nursing Program.
  - General Education Courses (All Chamberlain University Programs): Students may take general education courses which are required in a number of different programs. As such, the following applies to any general education course regardless of the student's program of study. Students may not reuse or repurpose work in any general education course without the direct consent of the instructor. NOTE: Turnitin is a registered trademark of iParadigms, LLC. iParadigms, LLC does not endorse, sponsor or support Chamberlain University in any way.

### 3. Collusion: Unauthorized sharing/collaboration

- Any act of two or more students actively cooperating on any assignment when the instructor has not expressly permitted such activity, including: homework, papers completed outside of normal classroom hours, in-class assignments, laboratory exercises or reports, take-home examinations, etc.
- Any individual representing another student or being represented by another person for purposes of: taking an examination; authoring a paper or assignment including homework or fulfilling the obligation of another student in any way.

4. Alteration of Records
  - Any act by which the signature of an instructor or any authorized agent of the instructor (including student faculty assistants) is changed or forged for purposes of misrepresenting the signature of the instructor or authorized agent
  - Any act that changes or alters the time or date of a submitted assignment for purposes of misrepresenting an established due date or time
  - Any act of altering any previously completed examination, record of an examination or any other assignment that has been returned to the student in an attempt to claim instructor error. This includes any attempt to gain an improved grade or additional credit for work not originally completed
5. Aids
  - Any use of aids that have not been expressly permitted, including: calculators, notes, books, electronic recording devices, photocopied materials and files stored on a hard drive, as well as cell phones, the internet, other electronic devices, etc.
6. Proprietary Material
  - Any unauthorized use or distribution of proprietary materials obtained by any means, including: examinations; problem solutions; copyright or patent infringement; computer piracy or unauthorized use of any other material regulated by federal, state or local law
7. Offering of Money or Other Incentives
  - Offering money, any item or service to a faculty member or any other person to gain academic advantage for oneself or another
  - Offering, giving, receiving or soliciting any unauthorized information in exchange for anything of value
  - Offering the sale of written assignments or threaded discussions through any source of media (digital or otherwise) for compensation of any sort
  - Acquiring and/or purchasing previously used or material written by others for use in classes
8. Acts of dishonesty, including but not limited to the following:
  - Any misrepresentation by words or actions of any situation or fact, in part or in whole, for purposes of enhancing one's academic standing or for the purpose of avoiding or postponing the completion of any assignment, duty, test or examination in a course, internship, clinical, practicum or cooperative education assignment or program
  - Furnishing false information to any University official, faculty member, office or university-affiliated official in relation to a course, internship, clinical, practicum or cooperative education assignment or program
9. Other
  - Misrepresenting the facts regarding an absence or work that has not been completed for purposes of gaining an extension of an established due date or taking a make-up examination
  - Failure to follow the directives given regarding a university administered test, including, but not limited to:
    - Failure to show personal identification
    - Failure to perform a valid environmental scan
    - Failure to properly record self during test
  - Using the material of others, however obtained, for purposes of gaining advantage or credit
  - Entering online discussion threads under false pretenses
  - Stealing, such as theft of grade books, from faculty offices or elsewhere
  - Knowingly using, buying, selling, stealing, transporting or soliciting, in whole or in part, the contents of a test that has not yet been administered
  - Knowingly using the contents of a test that has been administered
  - Intentionally or knowingly helping, or attempting to help, another to commit any act of academic dishonesty
  - Inappropriately accessing, or attempting to access, student academic records

### **C. Prevention Techniques for Students**

All Chamberlain University students have a responsibility to adhere to this academic integrity policy, as do all members of the Chamberlain community. The following is a list of some ways in which students can prevent and confront academic integrity violations:

1. If you observe or have first hand knowledge of a violation of the student academic integrity policy, report it to one of the following:
  - The faculty member teaching the course
  - The dean of academic affairs or designee, online program dean or designee
  
2. Make it difficult and unacceptable for other students to cheat by:
  - Completing take-home, non-proctored quizzes and exams alone and in a secluded environment • Covering your work during exams
  - Denying others access to your computer programs
  - Giving discouraging glances to students trying to cheat
  - Keeping your computer password a secret
  - Refusing to share your written work with other class members unless it is required as a part of a team assignment
  - Refusing to discuss a quiz or exam with other students until all members of the class have taken it and grades have been posted
  - Refusing to give away or share written assignments, homework and term papers
  - Refusing to provide current and old quizzes and exams to other students without the consent of the faculty member
  - Reporting suspicious test-taking behavior during the quiz or exam so the behavior can be documented
  
3. As a student, you can avoid violations of the academic integrity policy by:
  - Avoiding the temptation to cheat via communication technology. We recommend that students leave cell phones or other electronic devices at home during exams.
  - Understanding that the technology of the internet also works for your instructor. Google™ searches and plagiarism checkers can detect plagiarism on papers and exams in a matter of minutes. Becoming familiar with the American Psychological Association (APA) method of documenting your sources. This can be found in your English class handbooks or at [apastyle.org](http://apastyle.org). Your librarian can also help you to find resources on citation principles.
  - Clarifying assignments with your instructor. Your instructor may encourage you to collaborate with classmates on assignments but expect the work you submit has been completed on your own. If you are in doubt about your instructor's requirements for an assignment, it is important to seek clarification.

#### **D. Procedure for Violations**

Any member of the Chamberlain community may report a violation of the Academic Integrity Policy. The violation should be reported at the time the violation is observed or immediately after the observation to the instructor or dean.

If a violation is suspected, observed or reported, the instructor will notify their faculty chair, faculty manager, associate dean of faculty or dean of academic affairs of the incident. The student is given notification of the alleged violation and the opportunity to respond. If the student is able to present satisfactory information to adequately explain the concern, the allegation may be dismissed at that time. The instructor may impose sanctions ranging from educational sanctions to failure of the course or may refer the alleged violation to the hearing panel.

#### **Sanction Administrative Review**

Students who feel the sanctions rendered by the instructor or the hearing panel were too harsh can request a sanction only administrative review by the national conduct administrator or designee. This review will determine whether or not the sanction was appropriate for the violation. A sanction only administrative review will occur either when requested by the student or at the discretion of the national conduct administrator.

## Hearing Panel

Once a case is referred by the faculty or designee through the hearing process, a student will be informed of the charges brought forth against him or her. Proceedings will continue with the information available at the time even if a student does not respond to the University's request for information or does not choose to attend the hearing panel review.

The hearing panel will review the information and make a determination if it is more likely than not that a violation occurred. If a violation occurred, the hearing panel will impose the appropriate sanctions. Any prior violation(s) of the Academic Integrity Policy will be taken into consideration when determining appropriate sanctions.

## Student Rights and Responsibilities

Students have the right to the following:

- Review any written information prior to the hearing which will be presented to the hearing panel.
- Respond to the allegations.
- Review the names of the committee members in advance of the hearing. If a conflict of interest is present, a request for a replacement committee member can be made prior to the hearing.
- Present information and witnesses to the panel. Only witnesses who have relevant information pertinent to the case will be interviewed or allowed to provide written statement for the panel's consideration. The conduct administrator should be made aware of any witnesses at least two (2) business days prior to the hearing.
- Admit or deny the charge(s).
- Bring an advisor or support person to the hearing. The advisor may be an attorney. The advisor or support person may not speak on behalf of the student or answer any questions on behalf of the student during the hearing. The name of the advisor/support person and their relationship to the student must be provided at least one business day prior to the hearing. At the University's discretion, the hearing may proceed without the advisor if the attendance of the advisor delays the hearing.

Students have the following responsibilities:

- Represent themselves in a truthful, professional and ethical manner when responding to allegations. Providing false or misleading information, may result in a violation of the professional conduct policy.
- Respond in a timely manner to request for information, including but not limited to: – Presenting witnesses – Providing a statement or additional information to the panel – Accepting or denying charges
- To not engage in retaliatory behavior. Engaging in such behavior is a violation of the professional conduct policy.

## Appeal of an Administrative Review or Hearing Panel's Decision

A student may appeal the decision of the hearing panel or conduct administrator to the program administrator or designee within two (2) business days of the written notification being sent. Appeals must be submitted in writing and must state a basis for the appeal. Basis for an appeal include:

- There is new evidence that was unavailable at the time of the original investigation that would affect the outcome of the original decision
- There were procedural irregularities in the process that affected the outcome
- The sanctions were not reasonably appropriate for the violation of the Academic Integrity Policy The program administrator or designee's decision is final.

## E. Sanctions

The sanctions listed below may be imposed upon any student found to have violated the Academic Integrity Policy. The listing of the sanctions should not be construed as to imply that students are entitled to progressive discipline. The sanctions may be used in any order and/or combination that the University deems appropriate for the conduct in question. Students should be advised that conduct violations could impact privileges associated with the University, including but not limited to leadership/officer roles and/or holding positions of influence.

- Educational/discretionary sanctions (e.g. tutorials, written or reading assignments).
- A written notice to the student that the student is in violation of or has violated the academic integrity policy.

- Student receives zero credit for the entire paper, exam, quiz, homework, discussions, lab, etc., in which the incident of academic dishonesty occurred. No partial credit shall be given.
- Where the incident involves a graded assignment that would be one the student could request to be “dropped” for grading purposes, the student may not exercise that option.
- Where the incident involves a graded assignment that has been so compromised that the assignment must be voided for the entire class, the offending individual’s grade for the course will be based on inclusion of the zero for the voided assignment.
- Student receives a failing grade for the course, lab, etc. Withdrawal from the course will not alter the failing grade.
- Suspended for up to three semesters.
- Permanent expulsion from Chamberlain University.
- Revocation of degree or certificate.

## **II. Professional Conduct Policy**

### **A. Purpose**

A student enrolling in Chamberlain University assumes an obligation to conduct himself or herself in a manner compatible with the University’s function as an institution for professional nursing education. All students are expected to abide by the Chamberlain University Professional Conduct Policy.

The Professional Conduct Policy applies to student behavior that affects the members of the Chamberlain community, irrespective of where that conduct may occur. Discipline may extend to off-campus activities and locations or online activities, when they adversely affect members of the Chamberlain community and/or pursuit of their objectives.

### **B. Violations**

Any student found to have engaged in the following acts of misconduct may be subject to disciplinary sanctions as outlined in this policy. This list is not all-inclusive but includes categories of misconduct as defined by the University.

1. Acts of dishonesty, including but not limited to the following:
  - Furnishing false information to any University official, faculty member or office
  - Forgery, alteration or misuse of any University document, record or instrument of identification
  - Computer piracy, including duplication of computer software, copyright infringement and unauthorized computer entry
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings and/or other University activities, including its public service functions on or off campus or other authorized non-University activities.
3. Failure to follow the directives given regarding a university administered test, including, but not limited to:
  - Failure to show personal identification
  - Failure to perform a valid environmental scan
  - Failure to properly record self during test
4. Physical abuse, verbal abuse, threats, intimidation and harassment, including, but not limited to, sexual harassment, gender-based harassment, coercion and/or other conduct that threatens or endangers the health or safety of any person, either on or off Chamberlain premises or at any Chamberlain-sponsored activity.
5. Attempted or actual theft of and/or damage to property of the University or property of a member of the Chamberlain community or other personal or public property.

6. Bullying and cyberbullying, which is using one's power to control or harm individuals who cannot defend themselves, including, but not limited to, face-to-face interactions and any electronic communication (communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager), whether it be a single incident or a series of incidents.
7. Participation in the activity of "hazing," defined as any action taken or situation created which, regardless of intent or consent of the participants, may reasonably produce bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, humiliation or ridicule, or otherwise compromises the dignity of an individual; compels an individual to participate in an activity that is unlawful and or contrary to University rules, policies and regulations; will unreasonably or unusually impair an individual's academic efforts and occurs on or off campus.

Hazing is further defined as an act that endangers the mental or physical health or safety of a student, or removes public or private property, for the purpose of initiation or admission into, affiliation with, or as a condition for, continued membership in a group or organization. Such activities and/or actions prohibited include, but are not limited to: tests of endurance; submission of members or prospective members to potentially dangerous or hazardous circumstances; any activity that by its nature is so intense that it would cause severe mental anxiety, mental distress, panic, human degradation or public embarrassment; creation of excessive fatigue or a late-work session that interferes with scholastic activities or deprives persons of the opportunity for sufficient sleep (six hours per day), decent edible meals and/or access to means of bodily cleanliness; forcing or coercing a person to consume alcohol or other substances, in any amount; any requirement that compels an individual to participate in an activity that is illegal, perverse or indecent; and compelling individuals to engage in sexual behaviors, sexual or racial harassment or slurs or exhibitionism.

8. Gambling on Chamberlain premises, at University functions or through the use of University equipment.
9. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties. Failure to identify oneself to these persons by producing a University-issued ID or other recognized form of ID, such as a driver's license or state-issued ID when requested to do so.
10. Unauthorized possession, duplication or use of keys to any part of Chamberlain premises, or unauthorized entry to or use of Chamberlain premises.
11. Violation of published University policies, rules or regulations.
12. Violation of federal, state or local law on Chamberlain premises or at University-sponsored or University-supervised activities or other violation of federal, state or local law which has an adverse effect on the Chamberlain community.

If a student is charged with an off-campus violation of federal, state or local law, Code of Conduct proceedings may be initiated if the violation of law holds the potential of an adverse impact on the Chamberlain community.

University proceedings may be instituted against a student charged with violation of a federal, state or local law that is also a violation of the Student Code of Conduct (for example, if both violations result from the same factual situation) without regard to the pendency of civil litigation or criminal arrest and prosecution. Proceedings for violations of the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

When a student is charged by federal, state or local authorities with a violation of law, the University may or may not, at its discretion, request or agree to special consideration for that individual because of



his/her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally with the Chamberlain community. The University will cooperate fully with law enforcement and other agencies in enforcing criminal law on University property and in the conditions imposed by criminal courts for rehabilitation of student violators. Individual student or faculty members, acting in their personal capacities, remain free to interact with a governmental representative or law enforcement official as they deem appropriate.

13. Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous materials.
14. Aiding, abetting or inducing another to commit a violation of the Student Code of Conduct.
15. Conduct that is provocative, aggressive or in violation of Chamberlain's standards for professional behavior, including but not limited to:
  - Communicating any messages that contain derogatory statements about any group, race or ethnicity
  - Communicating any inflammatory statements related to personal, political, religious or ethical views
  - Communicating any message that contains aggressive, abusive or profane language against members of Chamberlain administration, staff and faculty or against other students
16. Use, possession, distribution or sale of drugs, except permitted substances when taken under a doctor's prescription and consistent with a doctor's instructions. Even where otherwise permitted under local law, marijuana use, possession or influence on University premises, at University events, or that adversely affects the Chamberlain community, is prohibited. Testing positive for marijuana, including medical marijuana, will result in disciplinary action. Violation of state, federal or other local regulations with respect to illegal drugs are subject to both criminal prosecution and disciplinary action.
17. Possession, distribution, sale or consumption of alcoholic beverages, except as expressly permitted by law and University regulations. Violation of state, federal or other local regulations with respect to alcohol are subject to both criminal prosecution and disciplinary action. A student organization should be aware that it may be held responsible for the actions of individuals, including non-members, in the event alcoholic beverages are made available by the organization at any of its functions, whether on or off University property. Drug testing may be required by the University as a condition of admission and subsequent drug screenings may be required at any time during the course of employment or enrollment and by any clinical learning agency. Failure to comply or achieve a satisfactory outcome will result in denial of admission or may result in dismissal from the University.
18. Abuse of the conduct system, including, but not limited to:
  - a) Falsification, distortion or misrepresentation of information before a conduct panel.
  - b) Disruption or interference with orderly conduct of a conduct proceeding.
  - c) Knowingly instituting complaint or conduct proceedings without good cause.
  - d) Attempting to discourage an individual's proper participation in, or use of, the complaint or conduct procedures.
  - e) Attempting to influence the impartiality of a member of a conduct panel prior to and/or during, the course of the conduct proceeding.
  - f) Harassment (verbal or physical), retaliation and/or intimidation by a student of a participant in the conduct or complaint processes prior to, during and/or after a conduct proceeding.
  - g) Failure to comply with sanction(s) imposed under the Code of Conduct.
  - h) Influencing or attempting to influence another person to commit an abuse of the conduct or complaint procedures.

## **C. Procedures**

1. Any member of the Chamberlain community (complainant) may file complaints against any student (respondent) for misconduct. Complaints shall be prepared in writing and directed to the student services manager or designee. Any complaint should be submitted as soon as possible after the event takes place. While anonymous complaints are permitted, this may limit the University's ability to thoroughly investigate the incident.

2. Upon receipt of the written complaint, the student services manager or designee may conduct an investigation to determine if the complaints can be resolved by mutual consent of parties involved. Mutual consent is not appropriate for every situation, such as allegations of sexual misconduct. If complaints cannot be resolved by mutual consent, the student services manager or designee may dismiss the case, issue a warning letter or refer the case through the administrative review or hearing process, as appropriate.

#### Administrative Review or Hearing

Once a case is referred through the administrative review or hearing process, a student will be informed of the charges brought forth against him or her and given the opportunity to deny or admit the charges. If the student denies the charges, a hearing will be held before the professional review committee. If a student admits to the charges and waives his or her right to a hearing, the student services manager or designee will issue the sanction(s). If the student services manager or designee finds that a hearing is necessary for the purpose of determining the sanction(s) to be issued, a hearing will be held before the professional review committee who will recommend sanction(s) to the manager or designee. Admitting to the charges does not preclude a student from appealing the sanction (s). Generally, students who admit to the charges will not have a hearing before the professional review committee unless deemed necessary by the student services manager or designee.

Students who do not admit to the charges in part or full will be given the opportunity to attend a hearing before the professional review committee. The professional review committee is comprised of Chamberlain staff and/or faculty. No students serve on the committee. If a student does not attend the hearing, the decision will be made by the committee based on the information available at that time. The committee will make a determination whether it is more likely than not that a violation occurred and will issue sanctions as deemed appropriate.

Students who have allegations filed against them (respondents) have a right to:

- Bring an advisor or support person of their choice and at their own expense to the hearing. The advisor may be an attorney. The advisor or support person may not speak on behalf of the student or answer any questions on behalf of the student during the hearing. The name of the advisor/support person and their relationship to the student must be provided to the student services manager or designee at least one business day prior to the hearing. At the manager's discretion, the hearing may proceed without the advisor if the attendance of the advisor delays the hearing.
- Be notified of the names of the committee members in advance of the hearing. If a conflict of interest is present, a request for a replacement committee member can be made prior to the hearing.
- Submit questions for the committee to ask any party who will be interviewed as part of the hearing. The student services manager has the authority to determine whether the questions are relevant and appropriate. The parties involved are not permitted to question one another directly.
- Present information and witnesses to the professional review committee. The complainant is permitted to present information and witnesses regardless of their level of participation in the resolution. The student services manager should be made aware of any witnesses at least two (2) business days prior to the hearing. Only witnesses who have relevant information pertinent to the case will be interviewed or allowed to provide written statement for the committee's consideration.
- Review any written information prior to the hearing which will be presented to the professional review committee. The manager may redact information as required by state or federal law or to protect confidential or private information of the complainant, respondent and/or witnesses.
- Have the right to privacy in that only individuals who must know the facts of the case to assist in the resolution will be made aware of information pertaining to the case. Information may be shared with other parties, such as law enforcement as required by local, state or federal laws.

Students have the following responsibilities:

- Represent themselves in a truthful, professional and ethical manner when responding to allegations. Providing false or misleading information may result in a violation of the professional conduct policy.
- Respond in a timely manner to request for information, including but not limited to:
  - Presenting witnesses
  - Providing a statement or additional information to the panel
  - Accepting or denying charges
- To not engage in retaliatory behavior. Engaging in such behavior is a violation of the professional conduct policy.

#### Interim Suspension

In certain circumstances, the University may impose an interim suspension prior to the hearing or administrative review.

1. Interim suspension may be imposed:

- a) To ensure the safety and well-being of members of the Chamberlain community or preservation of Chamberlain's property; or
- b) If the University deems that the respondent poses a threat of disruption of or interference with the normal operation of the University

2. During the interim suspension, the respondent may be denied access to Chamberlain premises (including online and on-site classes) and/or all other Chamberlain activities or privileges for which the respondent might otherwise be eligible, as the University may determine to be appropriate. In appropriate cases, the University may notify the complainant of a respondent's interim suspension status.

#### D. Sanctions

The sanctions listed below may be imposed upon any student found to have violated the Student Code of Conduct. The listing of the sanctions should not be construed to imply that students are entitled to progressive discipline. The sanctions may be used in any order and/or combination that the University deems appropriate for the conduct in question. Students should be advised that conduct violations could impact privileges associated with the University, including but not limited to leadership/officer roles and/or holding positions of influence.

- Warning – A verbal or written notice to the student that the student is in violation of or has violated University regulations.
- Probation – A written reprimand for violation of specific regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any University regulation(s) during the probationary period.
- Loss of Privileges – Denial of specified privileges for a designated period of time.
- Fines – Monetary penalties may be imposed, as determined or approved by the University.
- Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions – Work assignments, service to the University or other related discretionary assignments.
- University Suspension – Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- University Expulsion – Permanent separation of the student from all University locations.
- Revocation of degree – Revocation of a previously conferred degree or certificate. Students whose degree award conferrals are revoked remain responsible for fulfilling financial obligations to Chamberlain, to federal, state and local governments and to private loan providers.

- Rescinding admission – Rescinding admission to the University is generally a permanent decision applicable to all programs. Rescinding admission is at the sole discretion of the director of admission and not subject to the conduct procedures noted above.
- Denial of admission – Denial of admission to the program is generally a permanent decision applicable to all programs. Denial of admission is at the sole discretion of the director of admission and not subject to the conduct procedures above.

More than one sanction listed above may be imposed for any single violation. In each case in which a Professional Review Committee determines that a student has violated the Student Code of Conduct, sanction(s) shall be determined and imposed. Following the decision of the Professional Review Committee, the student services manager shall advise the student in writing of its determination and of the sanction(s) imposed, if any.

Other than University suspension and University expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record. Upon graduation, the student may petition the program administrator to have his or her confidential disciplinary record expunged or partially expunged of disciplinary actions. Whether or not to grant the request to expunge or partially expunge shall be at the University's discretion.

### **E. Appeals**

A decision of a violation of the Professional Conduct Policy and the sanctions reached by the professional review committee or student services manager or designee may be appealed once by the student the complaint was filed against or the student who filed the complaint to the program administrator or his/her designee within two (2) business days of the notification being sent. Appeals must be submitted in writing and must state a basis for the appeal. Basis for an appeal include:

- There is new evidence that was unavailable at the time of the original investigation that would affect the outcome of the original decision.
- There were procedural irregularities in the process that affected the outcome.
- The sanctions were not reasonably appropriate for the violation of the Professional Conduct Policy. The respondent will receive the appeal decision in writing within seven (7) business days after the review of the appeal is complete. The appeal decision is final.

## **III. Network & Responsible Computing Policy**

### **A. Policy**

1. University computer facilities and networks are available for exclusive use of registered students, faculty and staff. To better serve the needs of users and emulate a corporate computing environment, the following policies are enforced by the Help Desk and IT staff. Users have a responsibility to be familiar with these policies and to abide by them. Users also have a responsibility to be familiar with and abide by related policies in the Student Code of Conduct.

2. All information services are intended for educational use and may not be used for commercial or other unauthorized purposes. Use of University computers, network facilities, application software, network disk space and the Internet is available for the purpose of coursework and support only. Communication via the Internet or networks is available for authorized users only.

3. Students are issued an account when they appear on the official class roster. All accounts are for the exclusive use of the person to which they are assigned and may not be "loaned" to other users. Other types of accounts may be applied for by completing an Account Request form at the Help Desk. A Help Desk assistant will check the user's ID and sign the form indicating the ID was confirmed. All users will be given their own space on the network hard drive for storing course-related material and assignments. They may also receive access to specific software packages based on the judgment of the network administrator.

4. All passwords expire every 60 days. Student and alumni accounts will expire at the end of each semester. Chamberlain reserves the right to withdraw access to facilities or network from any user and all rights to any material stored in files and will remove any harmful, unlawful, abusive or objectionable material.

5. Chamberlain does not guarantee functioning of the system will be error-free or uninterrupted. The University cannot take any responsibility for files not protected through normal backup procedures.

## **B. Rules**

1. Users may not attempt to alter workstation settings, including, but not limited to, network configuration, Windows registry, virus checker settings or any other setting that might compromise security or performance of the University computer system. The IT department may implement workstation security software to monitor for and/or prevent users from making inappropriate changes to their workstations. Users are not permitted to store downloaded or commercial programs on the network, or to install them on any University computer.

2. The privacy of other users must be respected.

3. Abusive or offensive language will not be used in any communications.

4. Students will not use the Internet or networks for illegal activities, or to transmit unwanted or unsolicited advertising.

5. False statements made about any person and published on the Internet or networks constitute libel and may subject the student to civil charges.

6. The Internet or networks will not be used for transmitting chain or threatening letters.

7. Attacking or threatening messages are a direct violation of this policy. Users of the Internet or networks must abide by the same principles of fairness, decency and respect that would be expected in any other business environment.

8. Users will take ownership for all irresponsible activity/behavior exercised on the Internet or networks under their user login.

9. Material that may be considered offensive to others must not be displayed, stored or printed on the University computer system.

10. Users of the Internet or networks must minimize the possibility of transmitting viruses or programs harmful to another user's data or equipment by using an appropriate virus checker.

11. Sites with offensive material are not permitted. Internet chat rooms and online games are permitted as long as they do not cause disruption to normal academic related use or cause network congestion. Local or network game play is permitted under limited situations. Software is never to be installed on University computers, and game play must never disrupt academic activities or cause network congestion. Determination of appropriate use and/or disruption of academic activities is at the sole discretion of University faculty or staff. Failure to comply with requests to cease any inappropriate or disruptive activity will result in revocation of any access, limited or otherwise, to online local or network games and internet chat rooms.

12. While most material on the network is considered to be in the public domain, copyright is breached if another user's document is transmitted without his/her prior knowledge and permission. It is customary to acknowledge sources of any material quoted directly or paraphrased from elsewhere. See the policy on Academic Integrity for detailed information regarding the use and acknowledgment of other material.

13. It is illegal to use the Internet or networks to gain unauthorized access to other computers or databases not in the public domain.

14. Off-campus websites and email accounts created or accessed over the University computer network are subject to University policies and regulations.

### **C. Procedures**

The IT department and Help Desk staff may periodically review files and communications to maintain system integrity and ensure users are using the system responsibly. Users should not expect that files stored on University servers will always be private. IT staff may also implement workstation management software, allowing them to monitor users' activity for attempts to change settings or circumvent workstation security. All user activity including, but not limited to, printouts, files and email correspondence, may be monitored at any time for security purposes.

### **D. Sanctions**

1. Any attempt by a user to breach workstation or network security, or to tamper with a University computer, its software or the network will result in loss of computer access. Downloading material relating to hacking or malicious code creation will be considered an attempt at breaching network security. Any unauthorized software or hardware modifications found on the computer system will be removed.

2. Users who have their accounts disabled should contact the Help Desk to find out whom to contact to regain computer access. Minor violations may be resolved by the IT Department or Help Desk.

3. Major violations will be referred to the Professional Practice Committee for further action under the Student Code of Conduct. Depending on the nature of the violation, other portions of the Student Code of Conduct may also apply.

## **IV. Social Networking Policy**

As a student, you can play an integral role in Chamberlain University's social media outreach. We encourage you to join our groups, participate in conversations and share your positive experiences with others. It's important to remember that as a Chamberlain student, you have certain responsibilities when posting in social networks, even if they are personal and private. We've assembled these guidelines to help you use social media effectively, protect your personal and professional reputation and follow the policies of Chamberlain and its parent company, Adtalem Global Education (collectively, "Chamberlain"). Chamberlain University's intent for having a presence in social media is to facilitate connections between its audiences and to enable rapid response messaging in these emerging platforms. Chamberlain University retains the sole right to approve and publish all web pages and social media pages containing information about its educational programs, services and activities on its behalf, as well as that of the student body, recognized student organizations and alumni.

### **Student Web Pages**

Student groups or individual student Web pages on any social media platform, such as YouTube, Facebook, Google+ and Twitter, forums or blogs are not under Chamberlain University's purview. Therefore, they may not be used to promote, voice an opinion of or recruit for Chamberlain University in any way. Students must adhere to the Code of Conduct when they engage in social media and mention Chamberlain University. What applies as appropriate conduct on campus or in online course shells also applies to conduct on social media platforms.

Chamberlain University's intellectual property, including its trademarks, copyrights, logos and brands, is the exclusive property of Adtalem Global Education. It is not to appear on individual or student group Web pages or be used by individuals to promote themselves or their ideas and activities without prior written approval.

Student groups who utilize any Chamberlain University intellectual property on their social media pages without prior written approval will be required to remove them immediately.

### **Student Responsibilities**

It is important that all students understand their responsibilities when using social media. Students can have no reasonable expectation of privacy in material that they choose to place online or enter or send through resources provided by Chamberlain. Students must recognize that they are responsible for anything they write or present online and that they may be subject to legal or Code of Conduct proceedings by Chamberlain University and/or others (including other students, colleagues and third parties) based on what they write or present online.

Responsible behavior is expected of all Chamberlain students when they participate in or partake of social media or blogging. Students' communications, regardless of format, must conform to the Code of Conduct. It is not the goal of the University to actively monitor all student communications; however, should the University become aware of inappropriate behavior that may violate the Code of Conduct, the behavior may be investigated and addressed per the University's disciplinary procedures outlined in the Code. Such behavior includes, but is not limited to, posting or communication of content that is obscene, defamatory, threatening, infringing of intellectual property rights or otherwise illegal, inappropriate or injurious.

### General Rules of Social Media Engagement

To foster this communication in an appropriate way, Chamberlain University expects all students to adhere to the following principles of social media engagement:

Your honesty – or dishonesty – will be quickly noticed in the social media environment. If you are blogging about your experiences at Chamberlain University, use your real name, identify your relationship with Chamberlain University and be clear about your role. If you have a vested interest in something you are discussing, be the first to point it out.

Be Judicious. Always use your best judgment and make sure your efforts are transparent by using the following rules for external speech relating to Adtalem:

- Ask permission to publish or report on conversations that are meant to be private or internal to Chamberlain University, including conversations with individual students and Adtalem colleagues.
- All statements regarding Adtalem must be true and not misleading and all claims must be substantiated and approved.

Write what you know. Make sure you write and post about your areas of expertise, especially as related to Chamberlain University and our degree programs. If you are writing about a topic with which Chamberlain is involved but about which you are not the expert, you should make this clear to your readers. Also, always write in the first person. If you publish to a website or blog outside the control of Chamberlain University, you must use the following disclaimer: "The postings on this site are my own and don't necessarily represent Chamberlain University's positions, strategies or opinions."

Think before you post. Students should keep in mind that what is written and posted in electronic formats on the Internet, instant messaging, email or social networks is easily accessible to all and will be in existence virtually forever. This means postings and other communications may be viewed by administrators of Chamberlain University, potential employers and scholarship boards. If there is something you would not want everyone to know about you, do not post it online. Be sure the image you are presenting today as a college student is what you feel is in the best interest of your career. It is common for employers and recruiters to view popular social networking websites and other Internet sources to which students may post personal information. Your Internet postings and communications may thus directly affect your career.

Protect yourself. Personal information can be shared over the Internet with more people and at a faster rate than ever before; accordingly, be careful about what you share. Protect your personal information to avoid being a victim of sexual assault, stalking, identity theft or burglary.

Social Media Policy for Students in the Clinical Setting Nurses and student nurses have an ethical and legal obligation to maintain patient privacy and confidentiality at all times. The following requirements are intended to minimize the risks of using social media:

- Students are strictly prohibited from transmitting by way of any electronic media any patient-related image information that may be reasonably anticipated to violate patient rights to confidentiality or privacy, or otherwise degrade or embarrass the patient. Limiting access to postings through privacy settings is not sufficient to ensure privacy.
- Students must not refer to patients in a disparaging manner, even if the patient is not identified.
- Students must not take photos or videos of patients on personal devices, including cell phones. Students should follow the clinical agency's policy for taking photographs or videos of patients for treatment or other legitimate purposes using devices provided by the clinical agency.
- Students must maintain professional boundaries in the use of electronic media. Like in-person relationships, the student has an obligation to establish, communicate and enforce professional boundaries with patients in the online environment. Use caution when having online social contact with patients or former patients. Online contact with patients or former patients blurs the distinction between a professional and personal relationship. The fact that a patient may initiate contact with the nurse does not permit the student to engage in a personal relationship with the patient.
- Students must promptly report any identified breach of confidentiality or privacy.
- Students must not post content or otherwise speak on behalf of the employer unless authorized to do so and must follow all applicable policies of the employer.

### **STUDENT COMPLAINT/GRIEVANCE PROCEDURE**

This policy outlines the process for investigating and addressing complaints to Chamberlain University from students about any component of their experience at Chamberlain in which the student feels he or she has been treated unfairly. Because no policy is one-size-fits-all, though, Chamberlain reserves the right to deviate from this policy if the circumstances of a particular complaint or investigation call for additional flexibility.

#### **Informal Complaint/Grievance Process**

In most cases, students must first attempt to resolve their concerns orally or in writing with the individual(s) most directly connected to the student's complaint. If the student is not comfortable discussing the matter with the individual(s) most directly involved, the student may take his/her informal complaint to a liaison not directly involved, such as the student services manager or the immediate supervisor of the individual(s) the complaint is involving.

Unlike in formal procedures, a student pursuing informal resolution of his/her complaint usually is not required to submit a written complaint to initiate the process. Under these informal procedures, the student may, at any time, elect to stop further action by withdrawing the complaint, subject to the confidentiality provisions noted below and with the understanding that, depending on the nature of the allegations, Chamberlain may be obligated to investigate the complaint with or without the student's involvement. Complaints addressed informally may not be investigated at all or to the same degree as formal complaints. Mediation may be used as a method for resolving the complaint informally, but not all complaints are appropriate for mediation; for example, allegations of sexual assault are not appropriate for mediation.

Adopting informal procedures for addressing complaints does not mean that the institution does not take these complaints seriously. Informal procedures simply provide an alternative method for addressing complaints. The student can also decide to file a formal complaint as described in the formal process procedure at any time.

#### **Formal Complaint/Grievance Process**

If the informal procedure or direct conversation is not appropriate, or does not yield a successful resolution, the student can file a formal complaint to the complaint administrator. For pre-licensure nursing students, the complaint administrator is typically the dean of academic affairs or his/her designee. For graduate and post-licensure nursing students, the complaint administrator is the program or specialty track dean. Complaints regarding sexual misconduct,



including sexual harassment, domestic violence, dating violence, sexual assault, stalking and rape or acquaintance rape, may be reported directly to the Title IX Coordinator.

### **A. When to File a Complaint**

Complaints should be filed by the student as soon as possible so that they can be addressed contemporaneously by Chamberlain. In most cases, Chamberlain will expect the student to come forward within 15 business days of the student becoming aware of the concern or the student's last conversation in the informal process.

### **B. What to File**

A formal complaint should be in writing and include the following:

- The student's name, Student ID (D#) number email address and phone number
- A complete description of the concern/issue – including date, location and all individuals involved, either in the conduct complained of or as witnesses
- A description of what efforts, if any, have been made to resolve the issue informally, including individuals contacted by the student in the resolution attempt
- A statement of the resolution requested

If a student is hesitant or unwilling to put a complaint alleging discrimination, harassment (including sexual misconduct) or other unlawful conduct in writing, he/she is encouraged to discuss his/her concerns with the complaint administrator.

Similarly, if a student feels that changes to academic or other situations are appropriate or necessary to preserve the student's safety or well-being as a result of the circumstances involved in a complaint, he/she is encouraged to request assistance from the complaint administrator.

For more information on the complaint process or to receive the complaint administrator's contact information, the student should contact a student support advisor.

### **C. Where to File Complaint**

The complaint should be filed with the complaint administrator at the location the student is attending. The written complaint can be submitted electronically, in-person or by mail. In cases where the complaint administrator is directly involved in the concern, an alternate point of contact will be provided by a student support advisor. If the student does not know who the complaint administrator for his or her location is, he or she should contact a student support advisor.

Campus-based students may contact their campus student support advisor for assistance. Online-based students and Graduate Program students may contact a student support advisor by phone at 888.556.8226, option 3 or by email at [onlinestudentservices@chamberlain.edu](mailto:onlinestudentservices@chamberlain.edu).

### **D. Notice of Receipt**

Upon receipt of the formal complaint, the complaint administrator will provide the student with a written notice acknowledging its receipt and will review the complaint.

### **E. Investigation**

The complaint administrator or his/her designee will initiate an investigation. The extent and components of the investigation will vary depending on the allegations and circumstances. For purposes of illustration, an investigation may include the following steps, as appropriate:

- Reviewing the student's written complaint
- Gathering additional information or statements from the student as needed
- Gathering information from any witnesses or other people (e.g., faculty, staff or other students) with potentially relevant information
- Reviewing relevant documentation and policies

- Obtaining a response or written statement and other information from the individual(s) who is/are the subject of the student's complaint
- Attempting a resolution of the complaint between the student and the individual, if appropriate
- Convening a panel to review as appropriate
- Assessing the information gathered and determining findings and resolution for the student

Complaints initiated through the formal process may be withdrawn by the student, subject to the confidentiality provisions noted below and with the understanding that, depending on the nature of the allegations, Chamberlain may be obligated to investigate the complaint with or without the student's involvement.

## **F. Findings and Notification**

Upon completion of the investigation, the complaint administrator will report the findings of the investigation and resolution to the student. It is Chamberlain's goal to conduct an appropriate investigation and report back to the student in a timely manner, usually within 15 days of receipt of the complaint. The circumstances in particular cases may make a shorter or longer investigation necessary or appropriate.

## **G. Appeal**

Within 10 calendar days of the issuance of the final report, the student may appeal to the online or campus program administrator or his/her designee. Appeals must be submitted in writing and must state a basis for the appeal. Basis on which a student may appeal are:

- There is new evidence that was unavailable at the time of the original investigation that would affect the outcome of the original decision.
- There were procedural irregularities in the complaint process that affected the outcome.
- The proposed resolution was not reasonable based on the evidence compiled during the investigation.

A copy of the program administrator's or designee's written decision on the appeal shall be sent to the student in a timely manner. If the appeal decision requires further action, that action should be described in the appeal decision letter. The decision of the leader or designee on the appeal is final.

Students not satisfied with the final disposition of the complaint process may contact the state licensing authority, the University's accreditors or the state attorney general. A complete listing of contact information for state licensing authorities and the state attorney general offices is located at <https://www.chamberlain.edu/about/student-consumer-information>.

Arizona residents enrolled at a campus:

Students with complaints not resolved by the above procedure may file complaints with the Arizona State Board for Private Postsecondary Education (1740 W. Adams Street, Suite 3008, Phoenix, AZ 85007, 602.542.5709, <https://ppse.az.gov/>).

Georgia residents enrolled at a campus:

Students with complaints not resolved by the above procedure may file complaints with the Georgia Nonpublic Postsecondary Education Commission (2189 Northlake Pkwy., Tucker, GA 30084, 770.414.3300, <https://gnpec.georgia.gov/>).

Florida residents enrolled at a campus:

As a last resort in the complaint process outlined in the academic catalog, students who do not believe they received a satisfactory resolution to their grievance may contact the Commission at <http://www.fldoe.org/policy/cie/file-a-complaint.stml>, by fax at 850.245.3238, or by mail to:

Commission for Independent Education Florida Department of Education, 325 W. Gaines St., Suite 1414, Tallahassee, FL 32399-0400, toll-free number 888.224.6684

Texas residents enrolled at a campus:

Students with complaints not resolved by the above procedure may file complaints with the Texas Higher Education Coordinating Board, <https://www.highered.texas.gov/links/student-complaints/>; rules governing student complaints in Texas can be found at [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=%2019&pt=1&ch=1&sch=E&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=%2019&pt=1&ch=1&sch=E&rl=Y)

Virginia residents enrolled at a campus:

As a last resort in the complaint process, students who do not believe they received a satisfactory resolution to their grievance may contact the State Council of Higher Education for Virginia (SCHEV, Attn: Private and Out-of-State Postsecondary Education, 101 N. 14th St., James Monroe Bldg., Richmond, VA 23219).

For Illinois residents and students enrolled in an online program:

Unresolved complaints may be reported to the Illinois Board of Higher Education through the online complaint system at <http://complaints.ibhe.org/> or by mail to 1 N. Old State Capitol Plaza, Suite 333, Springfield, IL 62701-1377.

### Confidentiality

Chamberlain wishes to create an environment in which individuals feel free to discuss concerns. Chamberlain understands that students, witnesses and others involved in the investigation process may be concerned about the confidentiality of 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 will be maintained to the extent possible and consistent with Chamberlain's obligations in investigating complaints.

Once an individual discloses identifying information to Chamberlain through the processes described above, he/she 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 student or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

### Retaliation

Chamberlain prohibits retaliation against anyone who reports an incident of alleged harassment, discrimination or other unlawful conduct, or any person who assists or participates in a proceeding, investigation or hearing relating to such allegations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. All complaints of retaliation should be reported in accordance with the complaint procedures outlined above. If the procedures outlined above would result in the student being required to submit his/her complaint to the person whom he/she believes is retaliating against him/her, the student may submit the retaliation complaint to the online or campus leader, who will determine an appropriate party to address the retaliation complaint.

Submission of a good-faith complaint or report of harassment, discrimination or other unlawful conduct will not adversely affect the student's future grades, learning or academic environment. Chamberlain will discipline or take appropriate action against anyone who retaliates against any person who reports an incident of alleged harassment, discrimination, or other unlawful conduct, or who retaliates against any person who testifies, assists or participates in a proceeding, investigation or hearing related to such allegations.

## **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 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](http://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:**

<https://pixabay.com/photos/>

<https://all-free-download.com/free-photos/>

##### **Music:**

<https://www.epidemicsound.com/>



**ADT**LEM  
GLOBAL EDUCATION

# Code of Conduct and Ethics

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Dear Colleagues,

As members of the Adtalem Global Education community, we are guided by our TEACH Values, which inform everything we do – putting the team first (Teamwork); building positive spirit and initiative (Energy); taking ownership and responsibility for our actions (Accountability); operating with a shared sense of responsibility and empathy for others (Community); and serving our students and one another with care (Heart).

Our values of Accountability and Community are the foundation of the Adtalem Code of Conduct and Ethics. Accountability is taking ownership for our own actions, demonstrating courage to speak up regarding the actions of others if those actions do not align with Adtalem Global Education’s standards of conduct, and acting with the utmost integrity in all that we do. Our value of Community allows us to respect our shared values but also to celebrate our differences through mutual respect for all of our colleagues and students.

The way we conduct ourselves is essential to our continued success in an industry that is heavily regulated and scrutinized. Even more important, it is critical to maintaining our reputation among students as the place where they can bring their educational and career dreams to life, among colleagues as a great place to work and among our communities as an organization that is committed to Doing Well By Doing Good. Complying with international, federal, state and



local regulations is only the beginning. We should – and do – go beyond what is legally required. All of us, regardless of our level or role, are responsible for acting with the utmost personal and professional integrity every day.

Because we place such a high priority on our ethical conduct, it's important that all of us:

- Read this Code and apply it to our roles at Adtalem
- Use the Code to learn how we can ask for advice or get answers to questions about Adtalem's policies and expectations
- Keep the Code on hand for future reference

Thank you for your commitment to acting with integrity in support of our Vision, and for your dedication to our students.

Stephen W. Beard

President and CEO

## Applying Our Values

Our Values – Teamwork, Energy, Accountability, Community and Heart – support a unique culture at Adtalem that sets us apart and defines who we are as an organization.

Our Culture of Care is continually renewed by the choices and actions each of us makes every day. Our Code of Conduct and Ethics ("Code"), together with our policies and other resources, is intended to help guide us when we are faced with ethics or compliance decisions or when we have questions about what to do in specific situations.

### Who Needs to Follow Our Code

Our Code applies to all Adtalem colleagues including officers, directors and full- and part-time colleagues and faculty. It applies across our family of educational institutions, everywhere we operate.

The actions of customers, vendors, agents, and other third parties who work with us can have an impact on our reputation. For this reason, we strive to work only with third parties that share our commitment to ethics and compliance, and we expect them to act in a way that is consistent with our

Code. We will take the appropriate measures where we believe they have not met our high standards.



#### TO LEARN MORE

Adtalem Global Education's Vendor Code of Conduct.

### How to Use This Code

No code of conduct can cover every possible situation, and this Code is meant to be a living document. This is why we rely on one another to use good judgment and to speak up whenever we have questions or concerns. In addition, Adtalem and each of our institutions have more detailed policies governing our day-to-day work, and you are responsible for knowing, understanding and complying with those policies in addition to this Code.

The application of each section of this Code may vary from institution to institution. When an institution's policy or local law is stricter than the standards in this Code, follow your institution's policy or local law. When in doubt, contact Integrity and Compliance for guidance or submit a question to the Speak Up HelpSite or HelpLine.

As a global organization based in the United States, we must comply with the laws of the United States, as well as the laws of the countries in which we operate. Each of us has an important responsibility to know and to follow the laws that apply to our roles in the countries in which we operate. If you are a manager, you are responsible for ensuring that your direct reports and other colleagues are familiar with the local laws and policies that apply to them. For more information about the country- or state-specific laws that may apply to you, consult with your assigned Adtalem Legal representative.

## Our Expectations

Adtalem must always meet the highest standards of integrity and ethical conduct. That's why all colleagues are encouraged to:

- Hold ourselves and one another accountable for complying with the law, regulations, this Code and Adtalem and institutional policies, even when doing so could interfere with achieving a business goal.
- Pay particular attention to the policies that are relevant to their responsibilities.
- Refrain from asking anyone to do something that is improper or unethical.
- Promptly report concerns about possible violations of laws, regulations, this Code and other Adtalem policies to your manager or any of the resources listed in this Code.
- Cooperate and tell the whole truth when responding to an audit, investigation or regulatory review.
- Always comply with Adtalem's records retention policies, and never alter or destroy records other than in strict compliance with such policies.
- Once a year, read, acknowledge and commit to complying with the Code.

REMEMBER: No excuse will ever be acceptable for violating laws, regulations, the Code or our policies.

## Managers' Additional Responsibilities

Colleagues who manage or supervise others have additional responsibilities, including:

- Leading by example. Be a resource for others. Talk to your colleagues and business partners about how the Code and our policies

apply to their daily work and listen to their concerns and questions.

- Working proactively and on an ongoing basis to ensure your colleagues are trained and well-versed in the rules that apply to their roles.

- Creating an environment where everyone feels comfortable asking questions and reporting potential violations.
- Encouraging your colleagues to complete training.
- If you oversee third parties working with Adtalem or any of its institutions or companies, ensuring that they understand our Code, the Vendor Code of Conduct and their responsibilities.
- Asking Integrity and Compliance for help when faced with ethical or compliance matters that you are unsure how to handle.
- Creating a work environment free of discrimination and harassment.

## Q&A

I'm a manager and I'm not clear what I should do if someone comes to me with a potential breach of the Code – and what if it involves a senior leader?

No matter who the allegation involves, you are encouraged to inform appropriate personnel so that the situation can be resolved. You may use any of the avenues for asking questions and reporting concerns that are listed in the Code. If for any reason you are uncomfortable making a report to a particular person, you can report the allegation using the Speak Up HelpSite.

If I observe misconduct in an area outside of my responsibilities, what should I do?

You are responsible primarily for the people who report to you, but all colleagues of Adtalem and its institutions and companies have a responsibility to report suspected misconduct that occurs even if outside of their reporting lines and, where appropriate, intervene to deter or stop any colleague misconduct. In many cases, the best approach is to talk first with the manager who oversees the area where the problem is occurring. However, if you are concerned about this being the best approach, you should talk to your manager, an HR representative, Adtalem Legal or Integrity and Compliance; you can also report the misconduct using the Speak Up HelpSite.

## Accountability Under the Code

Violating relevant laws, regulations, the Code or our policies, or encouraging others to do so, may harm our reputation and expose you to disciplinary action up to, and including, immediate termination of employment. Certain

actions may also lead to legal proceedings against you, your fellow colleagues and/or Adtalem.

Colleagues are encouraged to check with Integrity and Compliance, askHR or your local HR representative for any specific local policies regarding potential misconduct and disciplinary or investigatory procedures.

Under limited circumstances, colleagues may also be subject to discipline for conduct outside of work, including, for example, activities that are discriminatory or harassing, may damage Adtalem’s reputation or may be harmful to our students.

## Speak Up: Ask Questions and Report Concerns

We expect colleagues to ask questions, raise concerns and contribute actively to the prevention of colleague misconduct. We work hard to promote a culture where everyone is comfortable speaking up in good faith without fear of retaliation. So, in addition to knowing and complying with the legal and policy requirements that apply to your role, we encourage you to speak up and take action when you know or suspect there is misconduct that may impact Adtalem.

When you are faced with a difficult compliance or ethics situation or dilemma, you should first refer to this Code and to the policies that apply to your role. If, after doing so, you are still unsure, you have several options:

- Contact your manager. Be as specific and detailed as possible, so that he or she understands your question or concerns.
- Contact Integrity and Compliance.
- Contact a member of the Adtalem Legal team, your local Human Resources representative or askHR.
- Go to the Speak Up HelpSite or HelpLine to ask a question or submit a report. You have the option to remain anonymous when you ask a question or report a known or suspected violation online or by phone.

## Retaliation is Prohibited

We do not tolerate retaliation against anyone for raising concerns or reporting possible misconduct in good faith or for assisting in the investigation of possible misconduct.

If you think that you or someone you know has experienced retaliation, contact your manager, an HR representative, or Integrity and Compliance; you can also report the misconduct using the Speak Up HelpSite.

## What to Expect When You Use Our Speak Up Resources

The Speak Up resources, the HelpSite and HelpLine noted below, are a confidential way to obtain answers to your questions and concerns and to report possible misconduct. The HelpSite and HelpLine are operated by an

independent company, is available 24 hours a day, seven days a week, and is multilingual.

When using the Speak Up resources, you will be given the option to ask a question or make a report online or by phone. If you telephone, the operator will listen to your concern or question, ask clarifying questions if necessary and then write a summary report. The summary will then be provided to Adtalem for assessment and further action as appropriate.

After making a report, you will receive an identification number to follow up about the report. Following up is especially important if you submit your report anonymously – an option that is available in most but not all of the countries where we operate. This identification number will enable you to report back with additional information and track the resolution of the case.

All reports will be kept confidential to the extent practical, except where disclosure is required for Adtalem to investigate a report or by applicable law or legal process.

Some countries, including many in the European Union, have specific rules on the use of the Speak Up HelpSite and HelpLine, which in some cases may limit the types of reports that can be accepted.

## SPEAK UP RESOURCES Helpline

U.S.: 1.800.461.9330

North America SMS: 773.904.1074

St. Kitts: 1.720.514.4400

Barbados: 1.855.203.6928

St. Maarten: 1.720.514.4400

## Help Site [www.speakupadtalem.com](http://www.speakupadtalem.com)

In order for the Speak Up resources to work effectively, reports and inquiries must be made in good faith. For this purpose, good faith simply means an honest belief that a report is true and accurate, even if the facts reported prove to be false. Colleagues found to have made bad-faith reports are subject to disciplinary action, up to and including immediate termination of employment. A bad-faith report means a report by a colleague that intentionally makes false claims of misconduct by a colleague, student or third party.

## Making the Right Choice

You may find yourself in a situation in which you are uncertain about what to do. It may help to ask yourself: • Is it consistent with Adtalem’s TEACH

Values?

- Would you be comfortable reading about it in the newspaper or listening to it in front of a jury?
- Would it be consistent with yours or Adtalem’s reputation for excellence?
- Does it seem ethical to you and to those whose opinions you respect?
- Could the conduct harm our colleagues or students in any way?
- Is it legal and consistent with our policies and our Code? If your answer to any of these questions is “no,” don’t do it, and contact any of the resources listed in this Code for help.

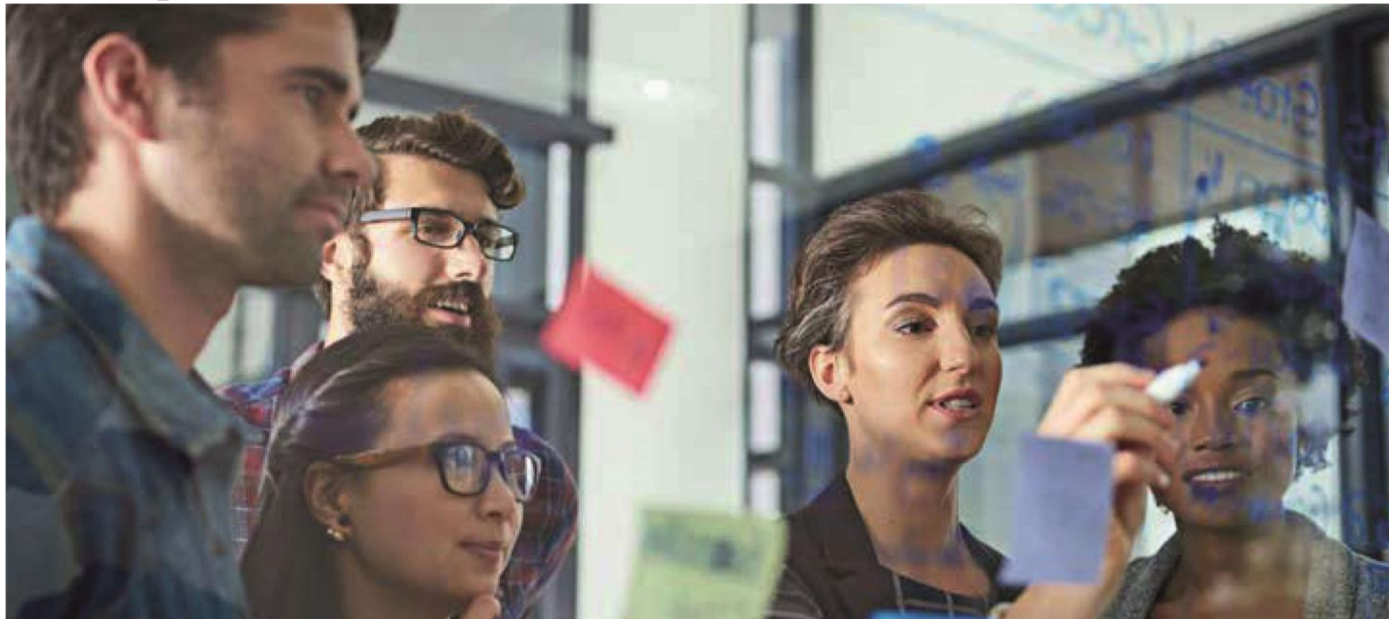
### Closing the Loop

Ethics at Adtalem must continually evolve to stay current with new and emerging risk areas. Once you’ve made a decision, ask yourself the following additional question:

- Do you believe there are sufficient standards, policies and resources in place to address the issue you faced, or should more be done?

If your answer is “no” and you believe more should be done, contact Integrity and Compliance. Your suggestions will help us improve our Integrity and Compliance program.

## Our Responsibilities to



## Our Community

Through respect, collaboration and communication, we have built a dynamic team of talented colleagues. We work together with one purpose: to empower our students to achieve their educational and career goals.

Maintaining our team-based culture not only helps our students succeed, it also creates the setting for each of us to thrive personally while making a positive contribution to one another’s success.

### Value Diversity, Inclusion and Equal Opportunity

We value the unique contribution that each person brings to Adtalem. We treat everyone with respect and dignity and base all employment decisions on merit, experience and personal aptitude.

We do not discriminate on the basis of race, creed, color, religion, political affiliation, national origin, gender, age, disability, marital status, sexual orientation, gender identity, citizenship status or any other status protected by law.

#### Always Keep in Mind

- Treat everyone with respect.
- Encourage and listen to those who speak up, and work to create a culture where others feel valued and understood.
- If you manage people or are involved in recruitment and hiring, judge others based on performance, qualifications, abilities and potential.
- Avoid introducing unrelated considerations into your decisions. Use objective, quantifiable standards to the extent possible.

- Do not engage in favoritism for any reason.
- Respect colleagues’ privacy, dignity and life outside of work.

#### Q&A

One of my colleagues sends emails containing jokes and derogatory comments about certain nationalities. They make

me uncomfortable, but no one else has spoken up about them. What should I do?

If you feel comfortable doing so and can do so safely, you should tell the colleague to stop the behavior. You are also encouraged to report your concerns to your manager, askHR or your local HR representative. You can also report your concerns on the Speak Up HelpLine or HelpSite. Sending such jokes doesn't support our core Values, and it violates our policies. By doing nothing, you are silently supporting behavior that can seriously erode the team environment.

## Avoid Harassment and Intimidation

We treat our fellow colleagues with dignity and respect at all times. We do not tolerate any form of harassment or intimidation. This includes actions that can reasonably be considered as offensive or discriminatory, as well as any form of sexual harassment.

### Always Keep in Mind

- Maintain a work environment that is professional and free from harassment.
- If possible and you can do so safely, be direct. Speak up and tell a person if you are upset by his or her actions or language, explain why and ask him or her to stop. You are encouraged to report your concerns to your manager, askHR or your local HR representative, or use the Speak Up HelpLine or HelpSite.
- Don't create, distribute or display obscene or discriminatory material, including written, recorded or electronically transmitted messages (such as email, instant messages and internet materials).
- Remember – harassment can occur between individuals of the same or different races or genders and can involve individuals or groups of colleagues.

## Sex and Gender Misconduct, and Bullying

Adtalem is committed to maintaining an educational environment that is free from sex and/or gender misconduct. Sex and gender misconduct includes sexual harassment, sexual assault, rape, domestic violence, dating violence, stalking, sexual exploitation, and gender-based harassment. When a student has been a victim of sex and/or gender misconduct – even if the act did not occur on Adtalem property – it can impede his or her ability to fully participate in the educational benefits that we provide. Therefore, it is important that we all do our part to prevent all forms of sex and gender-based misconduct and support our student and colleague survivors.

Some colleagues have an affirmative duty under applicable law to report potential incidents of sex and/or gender-based misconduct. See Policy on Sex and Gender Based Misconduct Response and Prevention.

*For more information, or if you have questions, contact the Title IX Coordinator at [TitleIXCoordinator@adtalem.com](mailto:TitleIXCoordinator@adtalem.com) or use the Speak Up HelpLine or HelpSite by calling 1.800.461.9330 or going to [www.speakupadtalem.com](http://www.speakupadtalem.com).*

## Watch Out for These Red Flags

- Unwanted sexual advances or requests for sexual favors.
- Offensive physical contact such as patting, grabbing, pinching or brushing against another's body.
- Making sexual gestures and displaying offensive, sexually suggestive objects or pictures, cartoons or posters.
- Offensive, sexually oriented verbal kidding, teasing or jokes.
- Verbal abuse, threats or taunting based on a colleague's appearance, sexual orientation, beliefs or other characteristics protected by our policies and applicable laws.
- Intimidating or insulting behavior that humiliates, undermines or threatens another colleague, whether intentional or unintentional.

## Q&A

While on a business trip, a colleague repeatedly asked me out for drinks and made comments about my appearance that made me uncomfortable. I asked him to stop, but he wouldn't. We weren't in the office and it was after hours. What should I do?

This type of conduct is not acceptable, regardless of whether it takes place in Adtalem's offices. Adtalem supports a work environment free from harassment, so don't wait for it to happen again to address it. If you feel safe and comfortable doing so, be firm and tell your colleague such actions are inappropriate and must be stopped. We take these matters very seriously and encourage you to report the problem to your manager, your local HR representative or askHR, or use the Speak Up HelpSite or HelpLine.

During my recent performance review, my manager was highly critical of my performance and I felt intimidated and bullied by the tone of the comments. Is this a violation of the Code and our policy against harassment?

Likely not. Bullying and intimidation are never acceptable, even during a manager’s performance evaluation or while disciplining direct reports. However, articulating colleague performance expectations with statements such as “unless you improve your performance, your employment may be terminated” is not considered bullying or intimidation. If you have questions or concerns, you should contact askHR or your local HR representative, or use the Speak Up HelpLine or HelpSite.

## Appropriate Relationships

Adtalem is committed to fostering workplace and academic environments that enhance our students’ educational goals, our professional experiences

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and the reputation of our educational institutions. For this reason, we expect colleagues to uphold the following standards for maintaining appropriate relationships in the workplace.

### Colleague-to-colleague relationships

Colleagues are expected to refrain from hiring or otherwise working in the same reporting line with their own family members, spouses, relatives, domestic partners or with colleagues or third parties with whom they have a romantic or intimate relationship. Likewise, it is not acceptable for you to engage in an intimate relationship with another colleague if you can influence or control that colleague’s professional or financial interests.

### Colleague-to-student relationships

Under no circumstances are faculty members, administrative personnel or other colleagues permitted to engage in any romantic or intimate relationships with prospective or current students if they do at the time, or may in the future be able to, influence or control enrollment, counseling, supervisory, or grading activities or decisions affecting that student. You are encouraged to report improper relationships between students and colleagues to askHR, your local HR representative, Integrity and Compliance or via the Speak Up HelpLine or HelpSite.

Some institutions may have stricter standards regarding appropriate relationships than those set out in this Code.

Where that is the case, the stricter standards prevail.

For more information, or if you have questions, contact the head of academic affairs for your institution, askHR or your local HR representative, or use the Speak Up HelpLine or HelpSite.

## Keep One Another Safe and Secure

Everyone – colleagues, students and visitors to our facilities – has a right to expect a safe and secure environment. A safe and secure environment is a critical part of providing a quality education for our students.

All colleagues and third parties who work with Adtalem are expected to understand and follow our safety and security policies and procedures. We must work together to keep our workplace free from hazards and foreseeable and preventable risks.

Adtalem provides each location with a set of standard requirements and procedures designed to keep colleagues safe. We also provide a framework for each location to follow when responding to incidents.

In addition, each campus has a designated Incident Commander who serves as the primary point of contact with regard to safety and security matters. For more information, or to raise a concern or report an incident, contact your local Incident Commander, your local campus leader, your local security department, or Adtalem’s Security Office.

### Always Keep in Mind

- Be alert to safety and security risks.
- Violence of any kind has no place at Adtalem. We will not tolerate any acts or threats of physical violence against co-workers, students, visitors or anyone else on our property, during business travel or at Adtalem, institution or company-sponsored events.
- Firearms or other weapons are not permitted on Adtalem property, parking lots, alternate work locations maintained by Adtalem, at Adtalem institution or company-sponsored events, unless the application of such policy would be prohibited by law.
- Maintain a neat, safe working environment by keeping work stations, aisles and other work spaces free from obstacles, wires and other potential hazards.



### TO LEARN MORE

Adtalem Global Education’s Colleague Handbook, “Substance Abuse” section.

## Drug and Alcohol Use

The use of illegal drugs and alcohol goes against our commitment to a safe, healthy, secure and productive environment for colleagues, students and community. When your ability to do your job is impaired by the misuse or abuse of alcohol or drugs, you jeopardize the safety of others and potentially harm our reputation. While at work or on Adtalem business, you should be alert, not impaired, and always ready to carry out your work



duties. You should always respect local customs and laws pertaining to drug and alcohol use.

#### Accommodations

Consult with askHR or your local HR representative if you must take legal medications that could negatively affect your job performance in a material way or compromise someone's safety.

#### Alcohol and drug-related support

If you have a drug- or alcohol-related problem, we encourage you to seek assistance. If you are outside of the United States, please see your local HR representative. Alternatively, you can download and access the Ginger Emotional Support app: In the app, tap "Get Started," and enter your work email address. Follow the instructions sent to your inbox. From there, Ginger will work with you and recommend the level of support that is recommended. Additionally, if you are enrolled in an Adatalem medical plan, you can seek treatment directly on your own.

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#### Q&A

Are subcontractors working on our premises expected to follow the same safety and security policies and procedures as colleagues?

Absolutely. Managers are responsible for ensuring that third parties at work on our premises understand and comply with all applicable policies, laws and regulations affecting that particular campus or location.

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#### Respect Privacy and Protect Personal Information

We respect and protect the privacy of everyone who entrusts us with his or her personal information. This includes prospective, current and former students, our colleagues and third parties. Protecting this information is a legal requirement and a matter of trust.

As a global organization in a digitally connected environment, we respect all applicable laws relating to data privacy and security. Some information, generally referred to as Personally Identifiable Information (PII), requires an extra degree of care. PII is any data that could, by itself or in combination with other information, be used to identify an individual.

## Always Keep in Mind

- Be accountable for protecting PII and stay informed about our PII-related policies.
- Only share personal information, including PII, with those who have a legitimate need to know and whose access is appropriately authorized.
- Never disclose a student's government-issued identification number; credit or debit card numbers or passwords.
- Never disclose academic records or student information to outside parties without the student's consent, unless required by law or as permitted in limited circumstances under our applicable policies.
- Be transparent about our privacy practices and how individuals can contact us with questions or concerns.
- Promptly report any actual or suspected unauthorized uses, disclosures or access to PII to your manager or to Integrity and Compliance.
- Never prohibit a student from reviewing his or her own academic records.
- Always ensure that third parties working with Adtalem are required to and do comply with our privacy policy requirements.
- Where you believe we are transferring or will transfer personal information from one country to another, contact Integrity and Compliance to be sure you understand applicable policies, laws and regulations



### TO LEARN MORE

Contact Adtalem's Privacy Team  
Adtalem's Privacy and FERPA Policies  
Adtalem Global Education's Colleague Handbook, "Keep It Confidential" and "Protect Your Work" sections

## Q&A

A report I found on the photocopier contains a lot of confidential personal records, including student identification numbers. I also often pass by computers where I can see confidential information on the screens. I do not want to get anyone into trouble, but I do not think it is right that this kind of information is left for all to see. What should I do?

You should immediately retrieve the document from the copier and deliver it to the document owner. If you don't know who the document owner is, contact your manager, your local HR representative or Integrity and Compliance for guidance. Protecting confidentiality and privacy is the responsibility of every colleague. When papers containing confidential information are left on the copier, the person who left them there is

neglecting his or her duty to protect the confidentiality of others. Similarly, you should never leave laptops or other electronic portable devices unattended, especially if they contain sensitive information. It takes only a few seconds for someone to do serious damage to your computer or your files or to access information on the computer, so take the time to lock your computer when you leave your desk.

## Use Our Assets Wisely

We all have a responsibility to be efficient and economical in the use of resources and protect against the abuse of organizational assets to make sure they are used and cared for appropriately.

Adtalem assets include our buildings, equipment, vehicles, computers, phones, mobile devices, files, documents, inventory and supplies. Our assets also include intellectual property as well as our confidential and proprietary information.

## Proper Use of Information Technology

Each of us must use Adtalem's electronic systems and resources in a manner that does not expose the organization to the risk of security breaches, legal claims, sabotage, computer viruses or similar problems.

Infrequent and incidental personal use of Adtalem electronic systems and resources is permitted as long as it does not interfere with your duties or your productivity and does not consume or divert resources that could otherwise be used for organizational purposes.

## Always Keep in Mind

- Only use software that has been properly licensed. The copying or use of unlicensed or "pirated" software on Adtalem's electronic systems and resources is strictly prohibited.
- Report any suspected theft, embezzlement or misappropriation of any Adtalem property using the Speak Up HelpLine or HelpSite.
- Never sell, transfer, destroy or otherwise dispose of Adtalem assets or materials (including computers, equipment, and electronic and hard-copy records) without proper documentation and authorization.





## TO LEARN MORE

Adtalem Global Education's Colleague Handbook, "Use Our Tools Responsibly" section

## Maintain the Highest Standards of Academic Integrity

As a global provider of educational services, we are committed to providing our students with high-quality instruction and related services and support. In order to maintain this quality, we must uphold the highest standards of academic integrity.

### Always Keep in Mind

- Use the work product of others in a proper manner and with proper authorization and/or citation.
- Forgo intentionally or knowingly helping or attempting to help another to commit any act of academic dishonesty.
- Maintain educational records and the academic standing of students properly.
- Refuse any offer of a bribe, gift or gratuity of any kind from any prospective or current student, and refrain from doing so on a prospective or current student's behalf.



## TO LEARN MORE

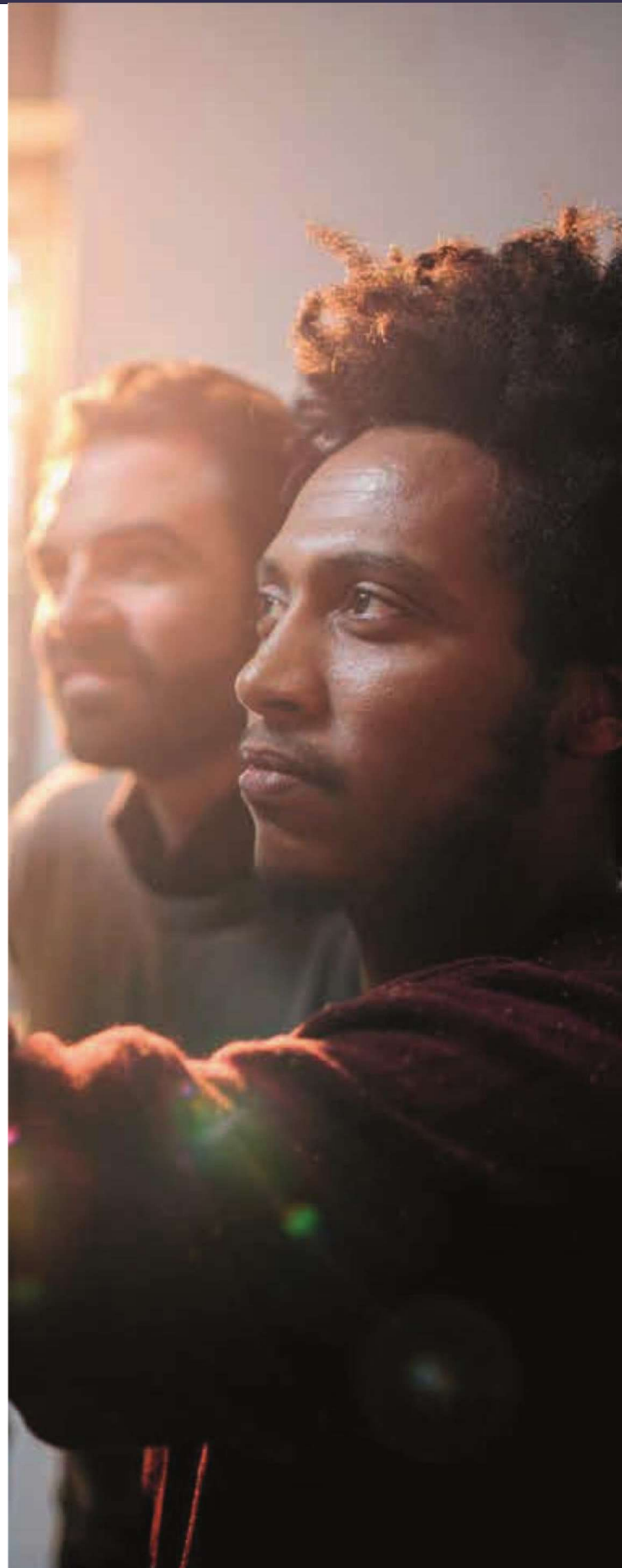
In addition, student finance colleagues are also expected to adhere to the Student Finance Code of Conduct. For more information, contact Adtalem's Regulatory Compliance team.

## Marketing, Advertisement, Recruitment and Admissions

The laws governing advertising and marketing activities are proscriptive. If you are involved in developing or using our marketing, advertising or promotional material, it is important that you understand the guidelines that relate to these activities. The same is true for any third parties creating such materials on our behalf.

We provide truthful, accurate and non-misleading information to prospective students, and we base admission solely on each applicant's ability to meet admission requirements, which vary by institution. We honor and properly document requests of students or other consumers not to be contacted by us via email, phone or other methods.

When recruiting prospective students, we provide responsible, objective and unbiased information. We are always truthful and never misleading, following



the tenets of Adtalem’s Responsible Communications policy and training. We hold ourselves to these high standards not just because it is the law, but because it is the right thing to do to help our students achieve their educational and career goals.

As a provider of higher education, Adtalem is subject to extensive regulation. In order for Adtalem’s degree-granting institutions and our students to remain eligible to participate in U.S. federal financial aid programs, we must abide by regulations that govern compensation for colleagues who recruit students.

*Always Keep in Mind*

## **Our Responsibilities to Our Partners and the Public**

We want to be known as a trusted neighbor in the communities where we operate. We have a commitment to transparency and responsible business practices.

We always keep in mind our obligations to our shareholders, our business partners and the public, and we remain guided by our Values and our respect for the laws governing our operations everywhere we operate.

### **Serve the Greater Good**

We are proud that as educators, the very nature of our work serves the greater good and makes a positive contribution to society and the lives of our students. As global citizens, we are committed to:

- Supporting social and educational initiatives in the communities in which we live and work
- Participating in relief efforts and service projects around the world
- Complying with the relevant environmental laws and regulations applicable in each country in which we operate
- Considering environmental responsibility as a factor in our decisions including recycling, conserving resources and working with our business partners
- Managing and minimizing our impact on the environment

- Comply with all applicable legal requirements and Adtalem policies and approval procedures when developing or implementing public relations, marketing, and advertising materials.
- Be sure all materials are truthful, complete, accurate, properly substantiated and not misleading.
- Provide supporting data and qualifying language when using statistics.
- Clearly state that the education offered is not a guarantee of employment or “success.”



## Build Lasting Business Relationships

We believe in working with business partners who share our commitment to high standards of ethics and integrity.

Our business partners – including our suppliers, vendors, representatives, and agents – represent us in the marketplace. If they act illegally or unethically, it can expose us to legal repercussions and/or damage our reputation.

### Always Keep in Mind

- Make supplier-related decisions in the best interest of Adtalem and not for any personal benefit or gain.
- Be responsive to all reasonable requests from our business partners, but never do something that you regard as unlawful or contrary to laws, regulations, the Code or our policies.
- Respect the confidential information and intellectual property of others.
- Choose vendors and other third parties carefully, and never work with prohibited countries, organizations or persons.
- Watch for and report any signs that our business partners are violating applicable law or regulations.
- Be sure to follow Adtalem policies and procedures before you sign any contract with a third party for Adtalem or your institution.



### TO LEARN MORE

Adtalem Global Education's Supply Management Policy  
Adtalem Global Education's Vendor Code of Conduct  
Adtalem Global Education's Colleague Handbook, "Authorization Required for Contracts and Agreements" section

## Safeguard Confidential Information

When managed properly, our information can help us develop and administer quality educational programs and meet our objectives. When information is mismanaged, it puts our organization at risk.

Each of us must be vigilant and safeguard our confidential information as well as the confidential information that is entrusted to us by others such as our students. Depending on the situation, this can include strategic ideas, organizational plans, student records and other types of information gathered or generated as part of our operations and educational efforts.

We respect all patents, trademarks, copyrights, proprietary information and trade secrets, as well as the confidentiality of anyone with whom we do business.

### Always Keep in Mind

- Use and disclose confidential information only for legitimate business purposes.
- Properly label confidential information to indicate how it should be handled, distributed and destroyed.

- Protect intellectual property and confidential information by sharing it only with authorized parties.
- Never discuss confidential information when others might be able to overhear what is being said – for example, on airplanes, in elevators or in other public places – and be careful not to send confidential information to unattended fax machines or printers.
- Follow all policies, procedures and retention schedules related to records and information management.
- Secure laptops, portable devices and storage media that may contain confidential or proprietary information, and follow all network and information-security policies and protocols.
- Report any potential data security breach to your manager, the senior manager of information governance or the chief information security officer.


## Intellectual Property

We work hard to create and promote brands and educational programs that are recognized around the world. Our intellectual property, such as our copyrighted material and our trademarks, is a critical part of our identity and our operations; we must handle it responsibly and safeguard it.

Other examples of our intellectual property include:

- Logos
- Marketing and advertising materials
- Branding
- Course curricula
- Educational materials

If you are responsible for developing intellectual property, consult with your assigned Adtalem Legal representative.



**TO LEARN MORE**  
Adtalem Global Education's Colleague Handbook, "Keep It Confidential" and "Protect Your Work" sections

## Avoid Insider Trading


Some Adtalem colleagues may have access to information about the organization's finances or material, non-public information that might impact our economic future. We use material, non-public information in compliance with securities laws and do not trade in the securities of any public company – including Adtalem – when we are in possession of non-public, material or price-sensitive information.

"Material, non-public information" generally refers to any information that is not available to the public and that a reasonable investor would consider

important when deciding whether to buy, sell or hold a share. This can include news about acquisitions, financial results, important management changes, commencement or termination of major contracts as well as news about the financial, operational or environmental performance of an organization. It is important to know that material, non-public information can also be confidential information about another organization that you have obtained during the course of your work.

### Always Keep in Mind

- Never use, for your own or others' benefit, any organization's information that has not been made public.
- Be careful when others request confidential information about Adtalem or our business partners. Even casual conversations could be viewed as illegal "tipping" of inside information.
- Never use material, non-public information to make investment decisions or to provide investment tips to family members, close relatives, friends or other third parties.
- Securities law violations are taken seriously and can be prosecuted even if the amount of money involved is small or when the "tipper" made no profit.



**TO LEARN MORE**  
Adtalem Global Education's Insider Trading Policy

## Keep Accurate Books and Records

We are committed to transparency and to making full, accurate, timely and understandable disclosure on all aspects of our organization, including financial reports that are filed with or submitted to regulatory authorities.

Colleagues with roles that involve the preparation of our public, financial and regulatory disclosures have special responsibility in this area, but all of us contribute to the process of recording organizational results and maintaining documents. Each of us is responsible for helping to ensure the information we record is accurate, complete and maintained in a manner consistent with our system of internal controls.

As a publicly held organization, we are required to report financial information in accordance with generally accepted accounting principles, and to maintain books and records that accurately and fairly reflect all transactions. This obligation, however, includes more than just financial information. Some examples include accurately recording enrollments, attendance, grades, communications, tuition, regulatory data and other essential organizational information.

### Always Keep in Mind

- Fully comply with all laws, external accounting requirements and Adtalem policies and procedures for reporting financial and other organizational information.
- Never make false claims on an expense report or time sheet. • Be clear, concise, truthful and accurate when recording any information.
- Draft internal documents and communications as if they will be reviewed by third parties. Remember that our internal records are sometimes read by third parties and governmental agencies, so we should do our best to ensure that what we write will not be misinterpreted.
- Maintain all organizational records for legally required minimum periods and in accordance with Adtalem’s records-retention procedures.
- Only destroy documents in accordance with the Adtalem records-retention policies and procedures, and be aware of special limitations or requirements that may be in place for records relating to potential or ongoing litigation, investigations or audits.
- Cooperate with Adtalem’s internal and external auditors.

### Q&A

At the end of the last quarter reporting period, my manager asked me to record additional expenses even though I had not received the invoices from the supplier and the work had not started. I agreed to do it, mostly because I did not think it really made a difference since we were all sure that the work would be completed in the next quarter. Now I wonder if I did the right thing.

Costs must be recorded in the period in which they are incurred. The work was not started and the costs were not incurred by the date you recorded the transaction. It was therefore misleading and, depending on the circumstances, could be considered fraud. In such a situation, you should report the matter to your local HR representative or askHR, or use the Speak Up HelpSite or HelpLine.

### Always Keep in Mind

- Colleagues must conduct business in accordance with fair trade practices and applicable fair competition and antitrust laws.
- Fair competition or antitrust laws are very complex and the risks of non-compliance can be severe. Contact with competitors should be limited and must always avoid certain subjects, including any matter relating to competition, such as markets, customers or prices. If such a conversation begins, leave the meeting immediately and report it to your Adtalem Legal representative or Integrity and Compliance.

### Watch out for these Red Flags

Colleagues must not:

- Collude with other bidders (“bid rigging”) in any tender, such as agreeing on who will be the successful bidder or the contract price.
- Collude with competitors to fix prices or to agree with a competitor not to do business with a supplier or a customer. • Illegally exchange with competitors sensitive information, such pricing, costs or other confidential proprietary information regarding Adtalem plans.
- Agree with a competitor to divide or carve up academic programs or calendars, or geographic markets or regions.
- Use a third party to pass information to a competitor.
- Engage in any other conduct which may violate any relevant competition or antitrust laws, rules or regulations in all relevant jurisdictions.

## Compete Fairly

At Adtalem, we compete vigorously, but we do so fairly and honestly. It is critically important that we comply with antitrust and competition laws everywhere we operate.

Antitrust laws – also known as fair competition laws – regulate certain types of practices to ensure that consumers are given a choice in the marketplace, and that they are not subject to predatory or discriminatory practices.

Violations of antitrust laws can carry severe fines and penalties.



### Q&A

I received sensitive pricing information from one of our competitors. What should I do?

You should contact your manager and your Adtalem Legal representative before taking any further action. It is important that from the moment we receive such information, we demonstrate respect for antitrust laws and make clear that we expect others to do the same. This requires appropriate action that can be decided only on a case-by-case basis.

I am planning to attend a trade show. Are there any special precautions I should take to avoid a potential antitrust problem?

Trade association meetings and other industry gatherings typically serve perfectly legitimate and worthwhile purposes. However, these meetings also provide a potential pitfall under competition and

antitrust laws because they bring together competitors who may be prone to discussing matters of mutual concern. You must be especially careful to avoid discussions or exchanges of information relating to competitive matters. If competitors are discussing these matters, you should excuse yourself.

### Gathering Business Intelligence

When collecting business intelligence, colleagues and others who are working on our behalf must always abide by the highest ethical standards. Never engage in fraud, misrepresentation or deception to obtain information or use invasive technology to spy on others. Be careful when accepting information from third parties, and be sure that the knowledge they provide is not protected by trade secret laws or non-disclosure or confidentiality agreements.

When gathering information on a competitor, you must never:

- Seek out confidential information of a competitor or someone outside the organization.

- Purchase confidential information related to a competitor.
- Use confidential information obtained inadvertently or accidentally.
- Request to see confidential bids submitted by competitors.
- Invest in a competitor to gain access to confidential information.

While we may employ former colleagues of competitors, we always recognize and respect the obligations of those colleagues not to use or disclose the confidential information of their former employers.

### Avoid and Disclose Conflicts of Interest

A conflict of interest exists when your private interest interferes in any way – or even appears to interfere – with the interests of Adtalem and its institutions or companies. A conflict of interest may also exist when your interests or activities affect, or appear to affect your ability to make objective decisions for Adtalem and/or any of its institutions or companies. You are expected to use good judgment and avoid situations involving conflicts of interest, which can undermine the trust that others place in us and damage our reputation.

Conflicts of interest are not always clear. If you have a question, talk to your manager or to Integrity and Compliance. Even if you only think a conflict of interest might exist, you should disclose the situation to Integrity and Compliance so that they may properly evaluate, monitor and manage the situation.

#### Always Keep in Mind

- Always make business decisions in the best interest of Adtalem, its institutions and companies.

- Disclose to Integrity and Compliance any relationship, outside activity, financial interest or other situation that may present a possible conflict of interest or the appearance of a conflict of interest.
- Proactively address situations where you or a family member's financial interests may conflict with Adtalem's best interests.

The following are common examples of potential conflicts of interest; these and others may also be described in local Adtalem policies.

## Business Opportunities

If you learn about a business opportunity because of your role with Adtalem or any of its institutions or companies, that opportunity belongs to Adtalem and/or the institution or company. Colleagues may not take for themselves, or direct to any third party, opportunities that are discovered as a result of their role with Adtalem.

## Personal Relationships

Engaging in or maintaining inappropriate personal relationships with fellow colleagues, or with prospective or current students, may create a conflict of interest. Examples of personal relationships that may lead to conflicts of interest include family relationships and romantic/intimate relationships. Personal relationships that interfere with your ability to objectively perform your role should be avoided, but should be disclosed if they do occur. (See the "Appropriate Relationships" section of this Code for more details.)

## Outside Employment

We do not prohibit colleagues from engaging in all outside employment. However, certain activity may involve a conflict of interest and should be disclosed and approved by Integrity and Compliance.

Some examples include:

- Any outside employment that affects your job performance.
- Employment of any kind (including consulting or faculty positions) with a competitor, supplier or customer. (Some exceptions may exist for faculty members. Contact your head of academic affairs for more information).

## Personal Investments

Colleagues are not permitted to have a substantial ownership interest in any organization that may or does work with Adtalem. This rule applies to direct and indirect ownership.

A "substantial ownership interest" is an ownership interest of greater than 5 percent of total net worth of the colleague and immediate family members, or greater than 1 percent of the outstanding equity securities of a public company. There are exceptions to this rule for investments that are made

through mutual funds or managed accounts where you do not make specific investment decisions.

## Civic Activities

Colleagues may be invited to serve as members of boards of directors, advisory boards or committees related to another organization. Approval may be granted if the outside organization does not compete with Adtalem and if the obligations to serve can be met on your own time. In all such cases, the civic activity should be disclosed to your manager and to Integrity and Compliance.

Circumstances can change and new conflicts can surface over time, which is why it is important to reassess your situation from time to time and discuss any potential conflicts with your manager and Integrity and Compliance.

## Exchange Only Appropriate Gifts and Entertainment

When handled properly, appropriate and reasonable gifts and entertainment can strengthen business relationships. But when abused, they can damage our reputation, harm our business and may even be illegal.

Gifts and entertainment may only be exchanged if they are reasonable complements to business relationships, are consistent with Adtalem's policies, are legal and are acceptable under the policies of the recipient's organization.

### Always Keep in Mind

- Only provide and accept gifts and entertainment that are reasonable complements to business relationships.
- Do not solicit personal gifts, favors, entertainment or services.
- With the exception of nominal expressions of gratitude such as a thank-you card or flowers, colleagues should never accept a gift from a current or prospective student.
- Faculty and students may wish to assemble to celebrate the end of a semester or other academic achievement. Such events are permitted, provided that:
  - The event adheres to the institution's Values.– Students do not purchase food, beverages or alcohol for faculty members.
  - The event conforms to the expectations set forth in the "Appropriate Relationships" and "Safety and Security" sections of this Code.



- Personal gifts or entertainment exchanged between colleagues are not subject to the Gifts and Entertainment policy. However, these items should never be charged as a business expense or otherwise purchased with Adtalem resources.

### Types of Gifts and Entertainment That are Never Allowed

The following examples of prohibited gifts and entertainment apply to colleagues, students and third parties.

- Gifts or entertainment that are lavish or frequent.
- Gifts or entertainment from a source of student lending.
- Cash or securities, such as stocks or bonds.
- Gifts or entertainment that are sexually oriented.
- Any gift or entertainment that amounts to a quid pro quo (i.e., I will give you this if you give me that).
- Entertainment or events that do not include a business-related benefit or educational component, including non-business-related events involving travel and lodging that are covered by a third party.

In addition, colleagues who are responsible for recruitment, admissions or financial aid advising activities must never accept a gift or entertainment of any value.

### Gifts and Entertainment of Government Representatives

We should never directly or indirectly offer, promise or grant anything of value to a government representative to influence any business decision or to obtain improper advantage.

Always make sure that you know whether you are dealing with a government representative or government-related entity. This is not always obvious. Businesses such as airlines, oil companies, hospitals, colleges, universities, K-12 schools and telecommunications providers may be owned or controlled by a government. When in doubt, discuss the situation with your Adtalem Legal representative or Integrity and Compliance.



#### TO LEARN MORE

If you ever have questions about whether or not a gift or entertainment is acceptable, discuss the matter with your manager or contact Integrity and Compliance. Adtalem’s Gifts & Entertainment Policy; Adtalem’s Anti-Bribery and Anti-Corruption Policy  
Adtalem Global Education’s Colleague Handbook, “Gift Restrictions” section

### Engage in Responsible Public Communications

Adtalem is a publicly held organization and a member of the New York Stock Exchange.



Therefore, it is common for Adtalem to receive inquiries from the investment community, government agencies and the media on a variety of topics. Due to the sensitive nature of our information, as well as securities laws and other laws related to disclosure of information, we must closely manage when and how we share our information and communicate with the investment community, the government and the media. Only authorized persons may speak with, reply to or send information to the media, government or members of the investment community on behalf of Adtalem.

Inquiries from the investment community and media should be handled only by colleagues who are expressly authorized to handle such inquiries. All media or investment inquiries received by Adtalem or one of its institutions should be forwarded to the public relations, communications or media affairs representative within the institution.

#### Always Keep in Mind

- Public communications include social media platforms. You may use social media platforms for organizational reasons only when you are expressly authorized to do so by Adtalem or one of its institutions.
- Conferences and external presentations are an excellent way to share our expertise with others, but they should be reviewed by management and may need to be reviewed in advance by Regulatory Affairs. Submit presentations via email to [responsiblecommunications@adtalem.com](mailto:responsiblecommunications@adtalem.com).

## Social Media

- There are a limited number of colleagues who are authorized to respond or otherwise speak on behalf of Adtalem, and those who do so should use only Adtalem-managed social media outlets for that purpose.
- If you read an online comment about Adtalem that you believe is wrong, do not respond. Adtalem's External Relations department regularly monitors external content and will respond appropriately.
- Be thoughtful in all your communications online, including through social media. Never harass or post discriminatory comments (as defined by our anti-harassment/ anti-discrimination policies), or threaten fellow colleagues, students or anyone else. Harassing, threatening or similarly inappropriate conduct that violates Adtalem's policies is discouraged in general and is never allowed while using Adtalem equipment or during your working time.
- Personally managed social media outlets or websites may not be used to advertise, promote, recruit for or support the business of Adtalem in any way.



#### TO LEARN MORE

For more information, or when in doubt, contact a senior member of Adtalem's Global Communications or Investor Relations team. Adtalem's Anti-Harassment & Non-Discrimination Policy Adtalem's Policy Against Harassment, Discrimination and Retaliation (CALIFORNIA COLLEAGUES)

## Our Responsibilities as an International Organization

We work together with governments and local communities and do our part as a responsible international organization to contribute to sustainable growth while providing employment to colleagues and creating opportunities for our students and others.

### Avoid Corruption and Bribery

Adtalem has a zero-tolerance policy toward bribery and corruption. Bribery and corruption in all forms are completely contrary to our Values, the Code and our policies.

We comply with the Foreign Corrupt Practices Act (FCPA) and all other global laws and regulations which prohibit corruption and bribery internationally, and we support efforts to eliminate bribery and corruption worldwide. We work hard to make sure that our business partners share our commitment.

Colleagues and third parties acting on our behalf are not permitted to promise or provide anything of value to a colleague or a government official for the purpose of gaining an unfair advantage.

Likewise, colleagues and our third parties are also prohibited from receiving bribes from any third party for the purposes of gaining an unfair advantage.

Bribery is a crime in the countries where Adtalem, our institutions and companies operate, and penalties can be severe. If you have questions or concerns, discuss them with your Adtalem Legal representative or Integrity and Compliance.

#### Always Keep in Mind

- Do not offer or accept bribes or any other kind of improper payment, including facilitation payments.

- Keep accurate books and records so that payments are correctly described and Adtalem funds are not used for unlawful purposes.
- Know who you are doing business with and confirm that appropriate due diligence has been conducted on third parties.
- Never do anything through a third party that you are not allowed to do yourself.



#### TO LEARN MORE

Adtalem Global Education's Colleague Handbook, "Gift Restrictions" section  
Adtalem Global Education's Anti-Bribery & Anti-Corruption Policy

However, there are strict and complex regulations governing political activity. For this reason, you should be careful when involved in political activities and understand your responsibilities to Adtalem Global Education. Lobbying activities for or on behalf of Adtalem Global Education may be conducted only by or at the express, written direction of the Government Relations organization.

#### Always Keep in Mind

- You may be involved in lobbying if you:

## Q&A

I have questions about the use of third parties who may be go-betweens helping us with local government authorities. What should I do to make sure that they do not get us into trouble?

You are right to be concerned. Control over agents and other third parties who are operating on Adtalem's behalf is important. We should ensure that their reputations, backgrounds and abilities are appropriate and meet our ethical standards. Agents and third parties are expected to act in accordance with the requirements set out in this Code. You should never do anything through a third party that you are not allowed to do yourself.

Sometimes when I am traveling, I see practices that I would consider inappropriate, but they are common practices in the country I am visiting. What should I do if I am asked to provide what I consider to be a bribe but what the locals think of as a common business courtesy?

You should decline and inform the person that your organization's policies prohibit you from making such payments. Remember: No matter where you are, our policies apply. You should never provide a payment or anything of value to gain an improper business advantage.

## Engage With Care in Political Involvement

We respect the right of colleagues to participate voluntarily in the political process, including making their own personal political contributions and expressing their personal political views.

- Communicate in any way with legislators, regulators or other government officials in any way. - Attempt to influence legislative or regulatory action. - Provide gifts or entertainment to legislators, regulators or other government officials.
- Political donations, including donations to politicians, campaigns, trade groups or associations, and political parties, on behalf of Adtalem and its institutions may be made only by or at the express, written direction of the Government Relations organization.
- Receive all necessary approvals in writing before using any Adtalem, institution or company resources to support lobbying or other political activities.
- Make sure that your personal political views and activities are not viewed as representing Adtalem.
- Seek guidance from the Government Relations organization before providing any gifts or entertainment to public officials or hosting an event that will be attended by public officials.

See also the “Gifts and Entertainment of Government Representatives” section of this Code.

- Do not use Adtalem resources or facilities to support your personal political activities.

### Watch Out For These Red Flags

- Never apply direct or indirect pressure to another colleague to contribute to, support or oppose any political candidate or party.
- Avoid even the appearance that you are making political or charitable contributions in order to gain favor or to exert improper influence.
- Holding or campaigning for political office might create a conflict of interest. Be sure to disclose such activities to your manager or a senior member of the Government Relations team.



#### TO LEARN MORE

Discuss any questions or concerns about personal political contributions or political activities with your manager or Adtalem's Government Relations organization. If you need more information you should review Adtalem Global Education's Colleague Handbook, “No Solicitation Policy” section.

### Operate Globally with Integrity

We must always operate with transparency and comply with all laws governing global trade.

The laws governing trade across international borders, including imports and exports and the transfer of technology, are extensive and complicated. The sanctions for violating these laws can be severe, up to and including substantial fines and/or imprisonment.

*Always Keep in Mind*



Adtalem colleagues and third parties acting on our behalf are expected to:

- Follow all applicable trade laws and regulations in the countries where we operate.
- Consult with your Adtalem Legal or Integrity and Compliance representative before transferring goods, equipment, data or technology of any kind across borders or to individuals from other countries, even if they are in the U.S.
- Never engage in any financial transactions that promote or result from criminal activity.
- Be alert to efforts to receive, transfer, transport, retain, use, divert or hide the proceeds of any criminal activity.
- Report any suspicions that such criminal conduct has occurred to Integrity and Compliance or your Adtalem Legal representative.

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## Q&A

I will be attending a fundraiser for a candidate for local office. Is it acceptable to list my position at Adtalem on the attendee list and in the program as long as I don't use any organization funds or resources?

In some jurisdictions, you may be required to list your employer when making a personal political contribution, including when you attend fundraising events. However, apart from such legal requirements, you should make it clear that your personal political activities are distinct from those of Adtalem.

I would like to invite an elected official to speak at an upcoming Adtalem event. Would that be a problem?

You should get approval from Government Relations before inviting an elected official to attend a Adtalem event. Laws governing contributions are complex, and in some jurisdictions if the invitee is in the midst of a re-election campaign, the organization's event could be viewed as support for the campaign and the food and drink at the event may be considered gifts. In most instances, there will be limits and reporting obligations that should be carefully followed.

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## Retaliation

Adtalem prohibits any form of retaliation, including, but not limited to, retaliatory discipline, acts of reprisal, or any form of intimidation for a colleague's reporting or participating in a related investigation of conduct that potentially or actually violates this Code.

ADT^LEM  
GLOBAL EDUCATION

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

Total Crimes Reported for:	On Campus			Public Property		
	2020	2021	2022	2020	2021	2022
<b><u>Criminal Offenses (includes attempts)</u></b>						
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
<b><u>HATE CRIMES</u></b>						
2020	2021	2022	2020	2021	2022	
If there are any hate crimes to report, please enter count here and narrative description below.						
0	0	0	0	0	0	0
<b><u>VAWA Offenses</u></b>						
2020	2021	2022	2020	2021	2022	
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b><u>Arrests</u></b>						
2020	2021	2022	2020	2021	2022	
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
<b><u>Referral for Disciplinary Actions</u></b>						
2020	2021	2022	2020	2021	2022	
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
<b><u>Hate Crimes</u></b>						
Prejudice Categories:						
Race, Religion						
Sexual Orientation						

Gender, Gender Identity			
Disability			
Ethnicity			
National Origin			
On campus or public property:	2020	2021	2022
<b>Total Unfounded Crimes</b>	0	0	0

Not available. We made a good-faith effort to obtain statistics from local and/or law enforcement agencies, but the agencies did not comply with our request.