Evangel University

Phoenix Campus
2014 Annual Security Report
(2013 calendar year crime statistics)

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Preparation of the Annual Disclosure of Campus Crime Statistics

To comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act, the Evangel University Director of Public Safety is designated as the Campus Security Survey Administrator, who is responsible for obtaining the Annual Security Report (consisting of campus security policy disclosures and campus crime statistics for the previous three calendar years) from each separate Evangel campus and for its submission by October 1 to the U.S. Department of Education.

This Annual Security Report is prepared by separate campus administration in cooperation with local law enforcement agencies surrounding the separate campus, which provides updated information on the University’s educational programs and policy disclosures conducted in order to comply with the Clery Act.

Additionally, the Annual Security Report includes the frequency of occurrence of certain categories of crimes specified in the Clery Act. These crime statistics are collected from the following sources: incident reports written by separate campus administrators; information that may be provided by the local separate campus police department with jurisdiction, State Police and/or the local County Sheriff’s Department; reports provided by campus victims of crime; and reports provided by EU officials designated as “Campus Security Authorities” (including, but not limited to: vice presidents, directors, department heads, and faculty/staff advisors to student organizations, etc.). Once Evangel University’s Separate Campus crime statistics report has been submitted to the U.S. Department of Education and reviewed by that staff, the Department of Education will make that data available to the general public at http://ope.ed.gov/security.

It is the policy of Evangel University that the administration for student development at the separate campus shall distribute by electronic mail, to all enrolled students, faculty and staff, the appropriate hyperlink to the Annual Security Report; that the Human Resources Director will notify prospective employees of the availability of the report; and that the Admissions Director will notify all prospective students of the availability of the report.

Access Control

During business hours, the campus will be open to the students, parents, employees, contractors, guests, and invitees. During non-business hours access to all campus facilities is by key, if issued, or by admittance via the American Indian College (AIC) Security. During the time a building is secured Security will only admit personnel with a College identification card and if a student, those with prior written approval. Students are not normally issued keys to any college facility. Any security concerns that are identified should be reported to the Separate Campus Administrator (SCA) who will notify the responsible party.
Campus Law Enforcement Authority

Evangel Separate Campuses do not have any security personnel. Evangel University staff do not possess arrest power and are not commissioned police officers. Evangel University does not have a formal Memo of Understanding with any police department.

All crime victims and witnesses are strongly encouraged to immediately report the crime to the Phoenix Police Department and to the Phoenix Separate Campus Administrator. Prompt reporting to campus administration will assure timely warning notices on campus and timely disclosure of crime statistics.

Procedure for Reporting Criminal Offenses

To report a crime:
Contact local Police at (602) 262-6151 (non-emergencies), dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings should be reported to the police department. In addition you may report a crime to the following areas:

<table>
<thead>
<tr>
<th>Phoenix Separate Campus Administrator, Rev. Ron Clouse</th>
<th>Phone Number and office location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(602) 245-4475, AIC Church Ministry Department</td>
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All crimes should be reported as soon as possible to the SCA. Notification of the SCA insures that timely warning can be issued if required and that the crime is recorded for the annual statistical disclosure. The SCA will notify the Evangel University Campus Director of Public Safety about the incident.

Reporting procedures

Evangel University encourages and expects victims and witnesses of crimes to report crimes to the local police department even if the victims do not want to pursue action within Evangel University’s Community Accountability Program or through the local or state criminal justice system.

Separate campuses do not have campus police departments. The university encourages and expects victims and witnesses of crimes to be reported to the SCA.

When the victim of a crime elects to, or is unable (physically/mentally) to make such a report either witnesses or Evangel Community members will make a report on behalf of the victim.

All reports are counted and disclosed in the annual crime statistics for the institution.
Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the Evangel University System or the criminal justice system, you may still want to make a confidential report. With your permission, the SCA can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep your identity confidential while allowing others to take precautions to insure their safety. With such information, Evangel University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Timely Warning

A. Definitions:
   Clery Act Crimes—Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter; and b) Negligent Manslaughter; Rape, Forcible Fondling, Statutory Rape and Incest.; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Domestic Violence; Dating Violence; Stalking and Hate Crimes.

   Campus Security Authorities—Campus police; non-police security staff responsible for monitoring campus property; individuals and offices designated by the campus security policies as those to whom crimes should be reported; and officials of the institution with significant responsibility for student and campus activities.

   Pastoral counselor—A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

   Professional counselor—A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

B. Requirements:
In order to keep the campus community informed about safety and security issues on an ongoing basis, an institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes.

These crimes must include all Clery Act crimes that are:
Reported to campus security authorities and local police agencies; and
are considered by the institution to represent a serious or continuing threat to students and employees.

In addition to making timely warnings, an institution is required to have a timely warning policy. All Title IV institutions are subject to the timely warning regulations. There are no exceptions.

Timely warnings can be issued for threats to property, as well as for threats to persons. It is irrelevant whether the victims or perpetrators are members of the campus community.

Timely warnings must be issued in a manner that gets the word out quickly communitywide.

The responsibility for the warning rests solely with the institution.

The institution’s policy on timely warnings should specify who or which office is responsible for issuing the warnings.

The issuing of a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

An institution is not required to provide a timely warning for crimes reported to a pastoral or professional counselor.

FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations.

C. Summary and Procedures:

The campus crime “Timely Warning” is provided to heighten awareness and to provide students, faculty and staff timely notification of Clery Act crimes that are considered to represent a serious or ongoing threat to the campus community. The warning
will provide pertinent information related to the crime and available suspect information.

The Phoenix SCA or their designee is responsible for preparing and issuing timely warnings. The Phoenix SCA will make the decision to issue a timely warning on a case-by-case basis considering the facts surrounding a crime, including the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

When the Phoenix SCA issues a Timely Warning, it will be issued through the university email system to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Phoenix SCA may use any other means of communication, providing the community with more immediate notification. In such instances, a copy of the notice will be posted around the separate campus and updates regarding the situation will follow as more information becomes available.

Anyone with information warranting a timely warning should report the circumstances to the Phoenix SCA.

In the event the Phoenix SCA receives pertinent information that a Clery Act crime has occurred on or near the Phoenix campus and it is a serious or ongoing threat to students or employees a timely warning will be disseminated. A timely warning is provided to enable people to protect themselves. Timely warnings are usually provided via email, notices in common areas, and/or verbal notification.

Emergency Notification

If there is an emergency on the Phoenix separate campus the SCA or faculty member would confirm that there was an emergency by contacting the American Indian College administration. In the event of an actual emergency the Phoenix Campus community will be notified in person by the Phoenix SCA or faculty designee. Due to the fact that the separate campus student population is less than fifteen students who are only on campus February 21 through 23, May 30 through June 1, and December 4 through 6, 2013, they would be notified if they were in class while they were on campus. The notification would contain instructions on what to do to mitigate the emergency. The SCA or faculty designee would initiate the notification by informing the class on campus.
Localized incidents within a building, such as a small fire or hazardous material spill in a lab most likely will not require a mass notification.

The following Evangel University officials have authority to activate the Emergency Notification System:

- President
- Vice President for Business and, Finance and Information Services
- Vice President for Student Development
- Provost
- Director of Public Safety
- Assistant Director of Public Safety
- Public Safety Patrol Supervisors
- Evangel-Phoenix Separate Campus Administrator
- Evangel-Phoenix Separate Campus Faculty

After the appropriate notification system is selected, it may be used to transmit brief urgent messages as quickly as possible. Emergency notifications may include, but are not limited to:

- Campus Closures
- Weather Warnings (Severe Thunderstorm Warnings & Tornado Watches & Warnings)
- Fire
- Natural gas leaks or hazardous material spills
- Natural disasters affecting the Campus
- Campus wide power outages and/or utility failures
- Violent criminal behavior
- Bomb threats or other imminent violent threats
- Explosions on campus
- Terrorism incidents

Dependent upon the contact information supplied by faculty, staff, and students, notification may be made in the following manners:

- In person
- Cell phone
- Intercom system
- Evangel University email
- Personal email
- SMS text to cell phone
- Home phone
- Business phone
Larger Community notifications will be accomplished through both regular media outlets as well as social media resources by the Phoenix SCA.

**Security Awareness Programs**

The Evangel-Phoenix separate campus did not offer any security awareness programs in 2013.

**Crime Prevention Programs**

The Evangel-Phoenix separate campus did not have any crime prevention programs in 2013.

**Monitoring Criminal Activity Off-Campus**

When an Evangel University student is involved in any off-campus criminal activity, EU community members may assist with the investigation in cooperation with local, state, or federal law enforcement.

Evangel University does not operate any non-campus housing or non-campus student organization facilities.

**Pastoral and Professional Counselors Reporting Policy**

In accordance with federal law U.S.C. Section 1092 (f), campus “Pastoral Counselors” and campus “Professional Counselors,” who are functioning within the scope of their responsibilities as counselors (per the definitions below), are not considered to be campus security authorities and, therefore, are not required to report crimes for inclusion in the annual disclosure of campus crime statistics.

As a matter of policy, however, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures and requirement to report crimes for inclusion in the annual campus crime statistics.

The rulemaking committee defines counselors as:

*Pastoral Counselor*
An employee of an institution, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

*Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

**Disclosure to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses**

Evangel University will, upon request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the university against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Evangel University will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

**Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy**

Respecting the human dignity of every employee, student and guest, Evangel University strives to maintain a safe, Christian community free from all forms of sexual or physical intimidation and exploitation. Sexual assault, domestic assault, dating violence or stalking are not only incompatible with biblical standards of Christian conduct, but also are criminal acts. Therefore, sexual assault, domestic violence, dating violence and stalking are prohibited by the University.

This policy pertains to sexual assaults including rape, forcible fondling statutory rape, and incest; domestic assaults, dating violence and stalking that occur between students or against a student by a non-student perpetrator. This policy addresses the definition of sexual assault, domestic violence, dating violence and stalking and prevention efforts, how to report these crimes and gain assistance if it occurs, and the procedures for resolution of an incident.

### A. Definitions

1. **Sexual Assault**
   
   The term *sexual assault* is defined as any sexual physical contact that involves the threat or use of force or violence, or any other form of coercion or intimidation; any sexual physical contact with a person who is unable to give consent. It includes the crimes of rape, forcible fondling, statutory rape and incest as defined by the 2013 Violence Against Women Act. In Arizona sexual assault is defined as: A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
Note: For reference, *sexual harassment* is defined as any unwelcomed action of a sexual nature by a person (of the same or opposite sex), which results in sexual discrimination or a hostile environment. In some instances sexual assault may also constitute sexual harassment. For information regarding reporting of sexual harassment, as opposed to sexual assault, see the *Evangel University Sexual Harassment Policy*.

2. **Consent**

The term *consent* is defined as an unambiguous and willful participation or cooperation in an act or as an attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent. Consent is not freely given if one of the following applies:

a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
b. The individual is unconscious, asleep, or suffering from shock; or
c. The individual is under the age of seventeen and therefore legally unable to give consent; or
d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.

“No” means “No”

“No” can be expressed or implied, it does not have to be spoken.

“Yes” means “No’ if conditions a, b, c, or d listed above exist.

Note: For the purposes of the University, use of alcohol by an offender neither diminishes personal responsibility nor is considered a mitigating factor in disciplinary sanctions should a violation be found to have occurred. Under Arizona statute, consent is not freely given if one of the following applies:

a. The victim is coerced by reason of a mental disorder, defect, drugs, alcohol or any type of impairment; and that impairment/condition is known or should have reasonably been known to the person accused of the crime;
b. The victim is intentionally deceived as to the nature of the act;
c. The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse

Domestic Violence/Dating Violence

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, 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 Arizona. Arizona law defines "domestic violence" as the occurrence of one or more of the following acts:

- physical assault, such as hitting or kicking;
- threatening words or conduct;
- intimidation;
- harassment by phone and in person;
- stalking;
- photographing, videotaping, recording, or secretly watching you without your consent:
  - while you are in a private place (i.e., bathroom, bedroom) doing a private act (i.e., urinating, having sexual intercourse);
  - or while your breasts, buttocks, or genitals are exposed in a way that they are not normally exposed in public;
- the unlawful distribution of nude/sexual images of you/your child
- endangerment (placing you at risk of immediate death or physical injury);
- unlawful imprisonment;
- kidnapping;
- criminal trespass;
- criminal damage;
- disobeying a court order;
- custodial interference;
- negligent homicide, manslaughter and murder;
- neglect, abandonment or cruel mistreatment of an animal;
- preventing or interfering with the use of a telephone in an emergency;
- abuse to a vulnerable adult or child;
- certain crimes against children; and/or
- disorderly conduct, such as:
  - fighting
  - reckless display of a dangerous instrument
  - discharge of a deadly weapon and/or
  - abusive language
When:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

   (a) The type of relationship.

   (b) The length of the relationship.

   (c) The frequency of the interaction between the victim and the defendant.

   (d) If the relationship has terminated, the length of time since the termination.

Dating Violence: 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 will be determined based on a consideration of the following factors:

   (i) The length of the relationship.

   (ii) The type of relationship.
(iii) The frequency of interaction between the persons involved in the relationship.

3. Stalking

Stalking: 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.

Under Arizona statutes, a person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either:

1. Would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member and that person in fact fears for the person's safety or the safety of that person's immediate family member.

2. Would cause a reasonable person to fear death of that person or that person's immediate family member and that person in fact fears death of that person or that person's immediate family member.

B. Prevention of Sexual Assault

The Phoenix separate campus students did not participate in any sexual assault prevention training in 2013.

C. Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking

Student assistance is available 24 hours a day through the entire year by calling the Evangel University Main Campus Department of Public Safety at (417) 865-2815 Ext. 7000. The Department of Public Safety personnel will offer assistance in reporting the crime and in providing information for counseling support and medical treatment.

Phoenix campus community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents in a timely manner. To report a crime or an emergency, call 911 from any campus telephone to make a report. Outside the university system, call 911 and the dispatch operator will contact you to the appropriate law enforcement agency. After reporting to 911 you are asked to call campus security at a telephone number listed below. To report a non-emergency safety or security matter, call a campus security representative for the American Indian College at a telephone number listed below. American Indian College Campus Security personnel are available 24 hours per day, every day of the year. In a non-emergency situation during business hours you may also report a crime to the
Security Director at (602) 944-3335 separate 233. Crimes should be reported to American Indian College Campus Security and to Evangel University Phoenix Campus Administrator to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community when appropriate. All criminal offenses are referred to the local law enforcement agency for investigation. The prosecution of criminal offenses is conducted by the local Prosecutor’s office. If a student commits a minor offense involving university rules and regulations, the Security Director may refer the violation to the office of the Dean of Community Life. The following phone numbers may be used when security assistance is needed: (602) 944-3335.

To report a crime or an emergency on the Phoenix campus, call emergency services at 9-1-1. Then call Campus Security to advise them of the situation. To report a non-emergency, security or public safety related matter, call American Indian College Campus Security. To reach American Indian College Campus Security: (602) 944-3335.

D. Response to a Report of Sexual Assault, Domestic Violence, Dating Violence or Stalking.

1. Assessment of Danger: Upon receiving a call, the Phoenix SCA will determine if the survivor or others are in immediate danger, the survivor’s name or other means by which the survivor can be identified, nature of the offense, and present location and phone number where the survivor may be reached.
   a. Immediate Danger: If there is an immediate danger to the caller, the caller will be directed to contact the local Police Department. When the immediate danger is past, the help of a Crisis Counselor will be offered.
   b. No Immediate Danger: When there is no indication of immediate danger, the Phoenix SCA will put the caller in touch with an on-duty public safety officer who will encourage the victim to accept the help of a Crisis Counselor, who has been trained to provide such assistance.
   c. Preservation of evidence. Once there is no immediate danger the Phoenix SCA or officer will advise the survivor of the importance of preserving evidence to prove any criminal case of domestic violence, dating violence, and sexual assault or stalking, of if needed to obtain a protective order.

2. Medical Assistance: The Phoenix SCA shall encourage the survivor to seek medical treatment or examination, if needed, and offer to arrange transportation to a local hospital. Should the survivor desire counseling,
the Phoenix SCA will offer to make the necessary arrangements outlined below.

a. **Rape Kit.** If the sexual assault involved sexual intercourse, the Phoenix SCA will inform the survivor about the importance of the Rape Kit (if the sexual intercourse occurred within the last 72 hours) in order to preserve evidence. The Phoenix SCA should instruct the survivor to not wash, shower, douche, or change (destroy or clean) the clothes worn at the time of the assault. Not washing or changing clothes is important in order to preserve evidence.

b. **Support and Safety** Should the survivor require medical examination, University or Phoenix separate campus personnel, if available, can remain outside the examination or treatment room during the examination or treatment and then return the survivor to his or her residence or, if necessary, to a safe place other than the survivor’s residence. If no University or Phoenix separate campus personnel are available the survivor should be referred to the local police department.

3. **Crisis Counseling Assistance:** The Phoenix SCA shall encourage the survivor to access support services from those specially trained to assist survivors of sexual assault, domestic violence, dating violence or stalking.

**Arizona Coalition Against Domestic Violence**
301 E. Bethany Home Road, Suite C194
Phoenix, AZ 85012
Legal Advocacy Hotline: (800) 782-6400
Phone: (602) 279-2900
TTY: (602) 279-7270
TTD: (800) 787-3224
Teen Dating Violence Hotline: (602) 248-8336
Web: [http://www.azcadv.org/](http://www.azcadv.org/)

**Arizona Department of Health Services**
150 North 18th Avenue
Phoenix, Arizona 85007
Adult Abuse Hotline: (877) SOS-ADULT (767-2385)
Child Abuse Hotline: (888) SOS-CHILD (767-2445)
Children's Information Hotline: (800) 232-1676
Phone: (602) 542-1000
Fax: (602) 542-0883
Web: [http://www.azdhs.gov/](http://www.azdhs.gov/)

**Arizona Suicide Prevention Coalition**
Empact Suicide Prevention Center
1232 E. Broadway Rd., Ste. 120
Tempe, AZ 85282
Consent for Help: If the survivor consents to talk with a counselor, the Phoenix SCA or officer will immediately seek to contact the counselor for immediate assistance. The Phoenix SCA or officer then will contact the survivor to provide the name of the proposed counselor. The victim then may ask for a different counselor if the proposed counselor is known to the survivor and unacceptable for any reason. In such an event, the Phoenix SCA or officer will request another counselor who is available and then repeat the identification process. When no proposed counselor is approved by the victim, the Phoenix SCA or officer will immediately refer the victim to the State of Arizona Crime Victims Support, (602) 223-2000.

Refusal of Help: If the victim declines to talk with a counselor, any information obtained by the Phoenix Separate Campus Administrator or officer will be reported to the AGTS Office of Continuing Education.

4. Information
The Phoenix SCA or officer will provide the survivor with the following information, including telephone numbers for the referral sources:

a. The survivor’s right to anonymity
b. The University’s willingness to appoint a person to serve as the survivor’s liaison with school officials and other parties, including service as the survivor’s advisor in any disciplinary proceeding against the alleged offender;
c. The availability of medical treatment, counseling services, and other resources;
d. The procedure for reporting the incident to the Department of Public Safety, the Phoenix Police Department, or other appropriate law enforcement agencies.
e. The University’s willingness to assist in contacting the appropriate outside law enforcement agency if requested by the survivor;
f. The University procedures for disciplinary action against students found guilty of sexual assault, domestic violence, dating violence or stalking and;
g. The availability of local attorneys for legal counsel.

5. **Sexual Assault, Domestic Violence, Dating Violence and Stalking Reporting**: The Phoenix SCA and/or officer shall take appropriate steps for the completion of a report in cooperation with the expressed wishes of the survivor.

a. **Police Report Filed**: If the survivor chooses to file a Phoenix Police Department report, then the Phoenix SCA or officer will assist the survivor in contacting the Police Department and will also complete a brief report for statistical records.

b. **No Police Report Filed**: If the survivor decides to not file a report with the police department, then the Phoenix SCA or officer will complete an Evangel University Incident Report containing the following:
   i. **Survivor’s Statement**: The Phoenix SCA or officer will record the survivor’s account of the offender’s action and any relevant background information.
   ii. **Other Information**: The Phoenix SCA or officer will also seek and identify in the report as much potential corroborating information as possible

c. **Incident Report Options**: The Phoenix SCA or officer will provide information to the survivor concerning the options for reporting the alleged offense and will use one of the following three formats selected by the survivor. Absent special circumstances the Phoenix SCA or officer will encourage the survivor to choose the third option (a formal complaint).
   i. **Anonymous Report**: The report will not include the name of the survivor or other information about the victim’s identity. The report will be used solely for information to enhance prevention programs and to prepare statistical records. The report will be signed by the Phoenix SCA or officer, who will verify that the survivor has requested that no further investigation or action be undertaken.
   ii. **Signed Report**: The report will include the name of the survivor, but will be used solely for information to enhance prevention programs and to prepare statistical records.
   iii. **Formal Report**: The survivor will request further investigation and appropriate disciplinary action. If a police report was filed the survivor will provide the university a copy of the report.

d. **Confidentiality**: Regardless of the type of report, the name of the survivor and other information about the victim's identity will be kept confidential by the officer and other University employees.
e. **Filing of Report:** Promptly after the completion of a report, the Phoenix SCA or officer will deliver the original copy of the report to the Evangel Main Campus Director of Public Safety or his designee. Upon receipt of a report, if the Evangel Main Campus Director of Public Safety determines there is a safety threat to the community, the survivor will be consulted and an appropriate timely warning will be issued to the community by the local separate campus administration.

E. University Response to Reported Sexual Assault, Domestic Violence, Dating Violence and Stalking

1. **Change of Program or Residence:** The University will accommodate change of academic situation if so requested by the survivor. The survivor may make change request to the Phoenix SCA. The institution may adjust the accused schedule to minimize contact with the survivor. Or the university may change the survivor's class schedule to limit contact with the accused. The university will make reasonable efforts to accommodate the survivor’s requests even if the survivor chooses not to pursue the matter.

**Disciplinary Action:**

a. If the Incident Report requests disciplinary action, and if the offender is not a member of the Evangel Community such as a visitor or vendor, then the Phoenix SCA will contact the Phoenix Police Department to investigate.

b. If the Incident Report requests disciplinary action, and if the offender is a University employee, then the Phoenix SCA will contact the Phoenix Police Department to investigate and will forward the Incident Report to the Director of Human Resources and the appropriate Vice President for resolution in accordance with policies governing employee conduct.

c. If the Incident Report requests disciplinary action, and if the offender is a student, then the Phoenix SCA will review the complaint for action pursuant to the Community Standards of Conduct published in the Evangel University Student Handbook. The policy for student disciplinary cases is established by the Community Standards of Conduct (copies are available for review at: https://web.evangel.edu/Apps/Public/studentHandbook/index
.asp) and the Doctoral Program Handbook (copies are available for review at: http://www.agts.edu/dmin/Participant-Handbook.pdf). Disciplinary action under the Evangel University student conduct code is independent of any legal proceedings. This action may run concurrently with or in addition to any law enforcement investigation or court proceedings. The following sections of this protocol summarize some of the steps in the disciplinary procedures implemented by the Vice President of Student Development.

i. Parties. In the disciplinary process, the victim of a sexual assault, domestic violence, dating violence or stalking is referred to as the complainant, and the student who assaulted or stalked the survivor is referred to as the accused student. Collectively, the complainant and the accused student are referred to as the parties for the particular case.

ii. Gender Balance. The Vice President for Students Development may elect to handle sexual offense complaints in cooperation with another faculty or staff member of the opposite sex in order to eliminate the risk of any gender bias, either perceived or real.

iii. Administrative Resolution. The Vice President for Student Development in partnership with local EU administration will conduct an investigation to determine if the complaint has merit. Unless the complaint is found to be without merit, the Vice President for Student Development will seek to resolve the matter administratively by determining the nature and severity of the violations and by reaching an agreement with the accused student on the appropriate sanctions for such violations. The Vice President for Student Development will confer with the complainant prior to completing an agreement with the accused student. If the complainant is dissatisfied with the completed agreement, the complainant may appeal to the University Accountability Board.

iv. Written Charges. If the complaint cannot be resolved administratively by mutual consent, the Vice President for Student Development will prepare written charges against the accused student. The charges will be forwarded to the University Accountability Board, and copies will be sent to the accused student and the complainant by the Vice President for Student Development.

v. Hearing Date. The University Accountability Board will set the time and place for the hearing, and both the accused student and the survivor will be given notice of the hearing at least 48 hours in advance of the date. Either party may request the board to delay the hearing for good cause.
vi. **Hearing Guidelines.** The hearing will be administrative in nature, and every attempt will be made to assure a fair and impartial hearing. Following is a summary of the guidelines for such hearings.

vii. **Closed Hearings.** Hearings will be conducted in closed session. The parties may be present during the hearings, but may not be present during the deliberations of the board.

viii. **Advisors.** The complainant and the accused student each will have the right to be assisted by an advisor.

ix. **Admission of Others.** Admission of witnesses and other persons to the hearing will be subject to the discretion of the board, as permitted by the Family Educational Rights and Privacy Act.

x. **Witnesses.** The parties will have the privilege of presenting witnesses, and the board may call additional witnesses.

xi. **Cross-Examination.** The members of the board may question and cross-examine witnesses. The parties and/or their advisors may not cross-examine witnesses or other parties, but may suggest questions to be asked by the chairperson of the board.

xii. **Deliberation and Voting.** After the hearing, the board will deliberate and then determined whether or not a majority of the members believe the accused student violated the Community Standards of Conduct.

xiii. **Standard of Required Proof.** The board’s determination will be made on the basis of whether it is more likely than not that the accused student violated the Community Standards of Conduct, which is equivalent to the "preponderance of the evidence" standard.

xiv. **Reopening of Hearing on Question of Sanctions.** If the board finds that the accused student committed one or more violations of the Community Standards of Conduct, the board may rSAll the parties, and any other witnesses, to receive evidence or statements about the appropriateness of disciplinary sanctions. Such evidence may include testimony of character witnesses on behalf of the accused student, evidence of prior acts of misconduct, and/or a survivor's impact statement.

xv. **Disciplinary Sanctions.** Based on its findings of violations, or the lack of violations, and its information about the appropriateness of sanctions, the hearing board will determine the disciplinary sanctions to be recommended to the Vice President for Student Development for imposition against the accused student. If the accused is found to be in violation of the Sexual Assault policy, then the minimum sanction is Immediate Suspension for one year, plus evidence of successful counseling prior to readmission; and the maximum sanction is Dismissal, meaning permanent separation from the University. For a
complete list of possible sanctions refer to section V, B of the student handbook.

**Announcement of Decision.** Upon conclusion of its deliberations, the board will unconditionally inform both parties of its findings and any sanctions simultaneously in writing. Both the complainant and the accused student may appeal the hearing board decision to the University Appeals Board.
Sex Offender Registry

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the Evangel University Phoenix Separate Campus provides a link to publicly accessible Internet web sites containing the Maricopa County Sex Offender Registry and the Maricopa County Sex Offender List. This law also requires sex offenders, who already are required to register in a state, to provide notice of each institution of higher education in that state at which the person is employed or enrolled as a student.

Individuals included on the web sites are included solely by virtue of their conviction record and state law. The primary purpose of providing this information is to make the information easily available and accessible, not to warn about any specific individual. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

Follow the link below to access the Maricopa County Sex Offender List website. The Maricopa County Sheriff’s Office is responsible for maintaining this registry:

Alcoholic Beverages

All students, faculty, and staff, while on or off University property, are expected to refrain from the possession or use of alcoholic beverages. Providing, purchasing, attempting to purchase, or facilitating the purchase of alcoholic beverages is likewise prohibited. “Use” includes consumption by any means. Students are considered “in possession” and responsible for alcoholic beverages that have been determined to be on their person or in their residence or vehicle. The University prohibits the use or possession of an alcohol beverage vaporizer. The University reserves the right to check for compliance with this alcohol policy by various means, including active and passive alcohol sensors. For a complete statement on Evangel’s policy regarding alcohol use, see “Alcohol and Drugs” in Section VI, University Policies.

It is unlawful to sell furnish, or provide alcohol to anyone under age. The possession of alcohol, including possession by consumption, by anyone under age is illegal. Individuals violating these polices may be subject to sanctions by Evangel University, criminal prosecution, fine and imprisonment.

Illegal Drug Possession

Everyone in the Evangel University community (including employees, resident students, commuter students, and graduate/professional studies students), while on or off University property, is expected to refrain from the manufacture, possession, use or distribution of illegal drugs. Purchasing, attempting to purchase, or facilitating the purchase of illegal substances is likewise prohibited. Students are considered “in possession” and responsible for illegal substances found on their person or in their residence or vehicle. Possession of drug paraphernalia is prohibited. If an illegal substance is suspected, the university policy is to call police and secure the area until their arrival. Individuals violating these polices may be subject to sanctions by Evangel University, criminal prosecution, fine and imprisonment. For a complete statement on Evangel’s policy regarding drug use, see “Alcohol and Drugs” in Section VI, University Policies.

Drug and Alcohol Abuse Prevention Program

Preamble

Evangel University is affiliated with the Assemblies of God, a community of churches that emphasizes the importance of surrendering our lives to Christ and living lives which, by the power of the Holy Spirit, demonstrate God's call for us to be Christ-like in all that we do. As a result of this affiliation and commitment to God’s call, and in compliance with the Drug Free Schools and Communities Acts Amendments of 1989, Evangel University defines in this policy the lifestyle expectations and requirements for students that relate to the manufacture, possession,
use, or distribution of illegal drugs, alcoholic beverages, and tobacco products as well as the abuse of prescription and nonprescription medications.

A. Policy

Maintaining our personal health and mental well-being is an essential part of our commitment at Evangel University to serve Christ. As a demonstration of that commitment, we expect everyone in the Evangel University community (including employees, resident students, commuter students, and graduate/professional studies students), while on or off University property, to refrain from the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages and tobacco products, and to avoid the abuse of prescription or nonprescription drugs.

This policy also applies to all guests while visiting on our campus or attending University sponsored events outside of the campus. As Christians, we believe that this commitment to abstinence is a responsible way to avoid the alcohol and drug abuse problems that cause such great damage and cost to our society and its families.

B. Support Services

We offer support services to students and employees who may be struggling with this area of their commitment to a Christian lifestyle. They can seek professional Christian counseling services and health services at the Student Union Wellness Center (865-2815 ext. 7280). There is no charge for these short-term counseling and health services, and confidentiality is guarded carefully. No information is shared with anyone without the client’s permission. Students or employees needing long-term therapy generally are referred to professionals off campus at their own expense. The campus pastor is available for pastoral counseling. Students are encouraged also to seek prayer, guidance and encouragement from members of the faculty and Student Development staff. Off-campus community counseling and treatment services are available from the following organizations at a potential cost to the student:

Al-Anon/Al-Ateen
#1027
2432 W Peoria Avenue
Phoenix, AZ 85029
(602) 249-1257

Alcoholics Anonymous
3215 E Thunderbird Road
Phoenix, AZ 85032
(602) 264-1374 (office)
(602) 264-1341 (24-hour helpline)

Narcotics Anonymous
Phoenix Helpline: (480) 897-4636

Addiction Treatment Center
C. Consequences for Violations of this Policy

For a few, it is sometimes necessary to be confronted and to experience consequences before they recognize that their actions and habits are detrimental to their Christian witness, their own health, and the well-being of the community. In compliance with our own standard as well as the laws of the land, we advise both traditional and nontraditional students as well as employees that the following consequences will occur when the policy is violated:

1. Students or employees who violate city ordinances or state or federal statutes law regarding the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages, tobacco products or medications will be reported to the legal authorities.

2. Those who violate University standards, city ordinances or state or federal statutes regarding (a) the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages or tobacco products or (b) the abuse of medications will be subject to disciplinary action, including discharge for employees and dismissal for students.

3. If found to be in violation of University standards but permitted to continue as a part of the community on probationary status, the student may be subject to mandatory counseling (on or off campus), periodic inspections and/or supervised, random drug tests at a medical facility over a given period of time. The student will be responsible solely for costs of the drug screens and off-campus counseling.

4. Any member of the Evangel University community who refuses to take a field sobriety test and/or a Breathalyzer test, when asked to submit to either or both by an Evangel staff member for reasonable cause, shall be considered to be in violation of the University's standards prohibiting the possession, use, or
distribution of alcohol. "Reasonable cause" includes the odor of alcohol on a person's breath, slurred speech, glassy eyes, being unsteady or unstable on a person's feet, and/or similar observations.

5. Any member of the Evangel University community who refuses to submit to a drug test or refuses to provide written consent permitting Evangel University to be apprised of the testing results, shall be considered to be in violation of the University's illegal drug policy. Reasonable grounds for drug testing may include, but are not limited to: incoherent, erratic or violent behavior; repeated tardiness and/or absenteeism; drug-related odors on person, clothing, room or vehicle; sudden unexplainable drop in academic or work performance; possession of drug paraphernalia; previous positive drug screen results; being cited for substance abuse violations by University or municipal authorities; a report that is provided by a reliable and credible source regarding use of illegal substance.

6. Student organizations are under the same legal requirements as individuals concerning local, state, and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of University policy. Violations of policy could result not only in disciplinary action against the individual(s) involved, but also in suspension or loss of University recognition of the organization.

D. Special Obligations of Employees and the University

1. Employer's statement:
   All University employees are notified hereby that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the University workplace and that a violation of this prohibition shall result in immediate disciplinary action up to and including discharge.

2. Conditions of employment:
   As a condition of employment, all University employees must: (1) abide by the terms of the prohibition referred to in the preceding paragraph; and (2) notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

3. Employer's obligations:
   a. Notification of agency
      The University will notify the appropriate law enforcement agency within 10 days after receiving the 5-day notice from an employee referred to in the preceding paragraph or upon otherwise receiving actual notice of such a conviction.
   b. Responsive action
      Within 30 days of receiving notice from an employee of a criminal drug statute conviction for a violation occurring in the workplace, the University
shall, with respect to any employee who is so convicted: (1) take appropriate personnel action against such an employee, up to and including termination; or (2) require such employee to participate satisfactorily in a drug abuse assistance or a rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

E. Definitions

1. "University activities" are defined as those activities that are sponsored by a University department or are sponsored by a recognized student organization.

2. "University property" is defined as University-owned or leased grounds, facilities, or vehicles.

F. Description of Local, State and Federal Legal Sanctions

1. State sanctions—Arizona state statutes prohibit the following acts:
   a. Alcohol offenses:
      4-241. Selling or giving liquor to underage person; illegally obtaining liquor by underage person; violation; classification; definitions
      A. If a licensee, an employee of the licensee or any other person questions or has reason to question that the person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor or entering a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is under the legal drinking age, the licensee, employee of the licensee or other person shall do all of the following:
         1. Demand identification from the person.
         2. Examine the identification to determine that the identification reasonably appears to be a valid, unaltered identification that has not been defaced.
         3. Examine the photograph in the identification and determine that the person reasonably appears to be the same person in the identification.
         4. Determine that the date of birth in the identification indicates the person is not under the legal drinking age.
      B. A licensee or an employee of the licensee who follows the procedures prescribed in subsection A of this section and who records and retains a record of the person's identification on this particular visit is not in violation of subsection J of this section or section 4-244, paragraph 9 or 22. This defense applies to actions of the licensee and all employees of the licensee after the procedure has been employed during the particular visit to the licensed premises by the person. A licensee or an employee of the licensee is not required to demand and examine identification of a person pursuant to subsection A of this section if, during this visit to the licensed premises by the person, the licensee or any employee of the licensee has previously followed the procedure prescribed in subsection A of this section.
      C. Proof that the licensee or employee followed the entire procedure prescribed in subsection A of this section but did not record and retain a record as prescribed in
subsection B of this section is an affirmative defense to a criminal charge under subsection J of this section or under section 4-244, paragraph 9 or 22 or a disciplinary action under section 4-210 for a violation of subsection J of this section or section 4-244, paragraph 9 or 22. This defense applies to actions of the licensee and all employees of the licensee after the procedure has been employed during the particular visit to the licensed premises by the person.

D. A licensee or an employee who has not recorded and retained a record of the identification prescribed by subsection B of this section is presumed not to have followed any of the elements prescribed in subsection A of this section.

E. For the purposes of section 4-244, paragraph 22, a licensee or an employee who has not recorded and retained a record of the identification prescribed by subsection B of this section is presumed to know that the person entering or attempting to enter a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is under the legal drinking age.

F. It is a defense to a violation of subsection A of this section if the person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor or to enter a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is not under the legal drinking age.

G. A person penalized for a violation of subsection J of this section or section 4-244, paragraph 22 shall not be additionally penalized for a violation of subsection A of this section relating to the same event.

H. The defenses provided in this section do not apply to a licensee or an employee who has actual knowledge that the person exhibiting the identification is under the legal drinking age.

I. Any of the following types of records are acceptable forms for recording the person's identification:
   1. A writing containing the type of identification, the date of issuance of the identification, the name on the identification, the date of birth on the identification and the signature of the person.
   2. An electronic file or printed document produced by a device that reads the person's age from the identification.
   3. A dated and signed photocopy of the identification.
   4. A photograph of the identification.
   5. A digital copy of the identification.

J. An off-sale retail licensee or employee of an off-sale retail licensee shall require an instrument of identification from any customer who appears to be under twenty-seven years of age and who is using a drive-through or other physical feature of the licensed premises that allows a customer to purchase spirituous liquor without leaving the customer's vehicle.

K. The following written instruments are the only acceptable types of identification:
   1. An unexpired driver license issued by any state, the District of Columbia, any territory of the United States or Canada if the license includes a picture of the licensee and the person's date of birth. A driver license issued to a person who is under twenty-one years of age is no longer an acceptable type of identification under this paragraph thirty days after the person turns twenty-one years of age.
   2. An unexpired nonoperating identification license issued pursuant to section 28-3165 or an equivalent form of identification license issued by any state, the
District of Columbia, any territory of the United States or Canada if the license includes a picture of the person and the person's date of birth. An unexpired nonoperating license issued to a person who is under twenty-one years of age is no longer an acceptable type of identification under this paragraph thirty days after the person turns twenty-one years of age.

3. An unexpired armed forces identification card that includes the person's picture and date of birth.

4. A valid unexpired passport or a valid unexpired resident alien card that contains a photograph of the person and the person's date of birth.

L. A person who is under the legal drinking age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce a person to sell, serve, give or furnish spirituous liquor contrary to law is guilty of a class 1 misdemeanor.

M. A person who is under the legal drinking age and who solicits another person to purchase, sell, give, serve or furnish spirituous liquor contrary to law is guilty of a class 3 misdemeanor.

N. A person who is under the legal drinking age and who uses a fraudulent or false written instrument of identification or identification of another person or uses a valid license or identification of another person to gain access to a licensed establishment is guilty of a class 1 misdemeanor.

O. A person who uses a driver or nonoperating identification license in violation of subsection L or N of this section is subject to suspension of the driver or nonoperating identification license as provided in section 28-3309. A person who does not have a valid driver or nonoperating identification license and who uses a driver or nonoperating identification license of another in violation of subsection C or E of this section has the person's right to apply for a driver or nonoperating identification license suspended as provided by section 28-3309.

P. A person who knowingly influences the sale, giving or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person with the intent of selling, giving or serving it to a person under the legal drinking age is guilty of a class 1 misdemeanor. A licensee or employee of a licensee who has actual knowledge that a person is under the legal drinking age and who admits the person into any portion of the licensed premises in violation of section 4-244, paragraph 22 is in violation of this subsection. In addition to other penalties provided by law, a judge may suspend a driver license issued to or the driving privilege of a person for not more than thirty days for a first conviction and not more than six months for a second or subsequent conviction under this subsection.

Q. A person who is of legal drinking age and who is an occupant of unlicensed premises is guilty of a class 1 misdemeanor if both of the following apply:

1. The person knowingly allows a gathering on such unlicensed premises of two or more persons who are under the legal drinking age and who are neither:
   (a) Members of the immediate family of such person.
   (b) Permanently residing with the person.
2. The person knows or should know that one or more of the persons under the legal drinking age is in possession of or consuming spirituous liquor on the unlicensed premises.
R. For the purposes of subsection Q of this section, "occupant" means a person who has legal possession or the legal right to exclude others from the unlicensed premises.

S. A peace officer shall forward or electronically transfer to the director of the department of transportation the affidavit required by section 28-3310 if the peace officer has arrested a person for the commission of an offense for which, on conviction, suspension of the license or privilege to operate a motor vehicle is required by section 28-3309, subsection A, B or D, or if the peace officer has confiscated a false identification document used by the person to gain access to licensed premises.

T. A person who acts under a program of testing compliance with this title that is approved by the director is not in violation of section 4-244.

U. Law enforcement agencies may use persons who are under the legal drinking age to test compliance with this section and section 4-244, paragraph 9 by a licensee if the law enforcement agency has reasonable suspicion that the licensee is violating this section or section 4-244, paragraph 9. A person who is under the legal drinking age and who purchases or attempts to purchase spirituous liquor under the direction of a law enforcement agency pursuant to this subsection is immune from prosecution for that purchase or attempted purchase. Law enforcement agencies may use a person under the legal drinking age pursuant to this subsection only if:
1. The person is at least fifteen but not more than nineteen years of age.
2. The person is not employed on an incentive or quota basis.
3. The person's appearance is that of a person who is under the legal drinking age.
4. A photograph of the person is taken no more than twelve hours before the purchase or attempted purchase. The photograph shall accurately depict the person's appearance and attire. A licensee or an employee of a licensee who is cited for selling spirituous liquor to a person under the legal drinking age pursuant to this subsection shall be permitted to inspect the photograph immediately after the citation is issued. The person's appearance at any trial or administrative hearing that results from a citation shall not be substantially different from the person's appearance at the time the citation was issued.
5. The person places, receives and pays for the person's order of spirituous liquor. An adult shall not accompany the person onto the premises of the licensee.
6. The person does not consume any spirituous liquor.

V. The department may adopt rules to carry out the purposes of this section.

4-246. Violation; classification

A. A person violating any provision of this title is guilty of a class 2 misdemeanor unless another classification is prescribed.

B. A person violating section 4-244, paragraph 9, 14, 34, 42 or 44 is guilty of a class 1 misdemeanor.

C. A person violating section 4-229, subsection B, or section 4-244, paragraph 31 is guilty of a class 3 misdemeanor.

D. In addition to any other penalty prescribed by law, the court may suspend the privilege to drive of a person under eighteen years of age for a period of up to one hundred eighty days on receiving the record of the person's first conviction for a violation of section 4-244, paragraph 9.
E. In addition to any other penalty prescribed by law, a person who is convicted of a violation of section 4-244, paragraph 42 shall pay a fine of at least five hundred dollars.

F. In addition to any other penalty prescribed by law, a person who is convicted of a violation of section 4-241, subsection L, M or N shall pay a fine of at least two hundred fifty dollars.

b. Illegal drug offenses:

13-3402. Possession and sale of peyote; classification
A. A person who knowingly possesses, sells, transfers or offers to sell or transfer peyote is guilty of a class 6 felony.
B. In a prosecution for violation of this section, it is a defense that the peyote is being used or is intended for use:
  1. In connection with the bona fide practice of a religious belief, and
  2. As an integral part of a religious exercise, and
  3. In a manner not dangerous to public health, safety or morals.

13-3403. Possession and sale of a vapor-releasing substance containing a toxic substance; regulation of sale; exceptions; classification
A. A person shall not knowingly:
  1. Breathe, inhale or drink a vapor-releasing substance containing a toxic substance.
  2. Sell, transfer or offer to sell or transfer a vapor-releasing substance containing a toxic substance to a person under eighteen years of age.
  3. Sell, transfer or offer to sell or transfer a vapor-releasing substance containing a toxic substance if such person is not, at the time of sale, transfer or offer, employed by or engaged in operating a licensed commercial establishment at a fixed location regularly offering such substance for sale and such sale, transfer or offer is made in the course of employment or operation.
B. A person making a sale or transfer of a vapor-releasing glue containing a toxic substance shall require identification of the purchaser and shall record:
  1. The name of the glue.
  2. The date and hour of delivery.
  3. The intended use of the glue.
  4. The signature and address of the purchaser.
  5. The signature of the seller or deliverer.
Such record shall be kept for three years and be available to board inspectors and peace officers.
C. The operator of a commercial establishment shall keep all vapor-releasing glue containing a toxic substance in a place that is unavailable to customers without the assistance of the operator or an employee of the establishment.
D. The operator of a commercial establishment selling vapor-releasing paints and varnishes containing a toxic substance dispensed by the use of any aerosol spray device shall conspicuously display an easily legible sign of not less than eleven by fourteen inches which states: "Warning: inhalation of vapors can be dangerous".
E. This section is not applicable to the transfer of a vapor-releasing substance containing a toxic substance from a parent or guardian to his child or ward, or the sale or transfer made for manufacturing or industrial purposes.

F. Subsection A, paragraphs 2 and 3 and subsections B and C do not apply to substances certified by the department of health services as containing an additive that inhibits inhalation or induces sneezing.

G. A person who violates any provision of this section is guilty of a class 5 felony, but the court, having regard to the nature and circumstances of the offense, may enter judgment of conviction for a class 1 misdemeanor and make disposition accordingly or may place the defendant on probation in accordance with chapter 9 of this title and refrain from designating the offense as a felony or misdemeanor until the probation is terminated. The offense shall be treated as a felony for all purposes until such time as the court enters an order designating the offense a misdemeanor.

H. For the purposes of subsections A and E, "vapor-releasing substance containing a toxic substance" means paint or varnish dispensed by the use of aerosol spray, or any glue, that releases vapors or fumes containing acetone, volatile acetates, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, volatile ketones, isophorone, chloroform, methylene chloride, mesityl oxide, xylene, cumene, ethylbenzene, trichloroethylene, miak, miak, mek or diacetone alcohol or isobutyl nitrite.

13-3403.01. Nitrous oxide containers; sale to minors; classification

A. A person shall not knowingly sell, give or deliver to a person under eighteen years of age any container exclusively containing nitrous oxide, unless the person under eighteen years of age is delivering or accepting delivery in the person's capacity as an employee.

B. A person who violates this section is guilty of a class 5 felony unless the court does either of the following:

1. Enters a judgment of conviction for a class 1 misdemeanor and makes disposition accordingly.

2. Places the person on probation in accordance with chapter 9 of this title and refrains from designating the offense as a felony or misdemeanor until the probation is terminated. The offense shall be treated as a felony for all purposes until such time as the court may actually enter an order designating the offense as a misdemeanor.

13-3403.02. Selling or giving nitrous oxide to underage person; illegally obtaining nitrous oxide containers by underage person; classification; definition

A. An operator or employee of a commercial establishment who questions or has reason to question whether or not a person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of a nitrous oxide container is under eighteen years of age shall require the person to exhibit a written instrument of identification and may require the person to sign the person's name, the date, and the number of the identification on a card to be retained by the operator, or may require the person to sign the person's name and the date on a photocopy of the instrument of identification to be retained by the operator. The following written instruments are the only acceptable types of identification:
1. An unexpired driver license issued by any state or by Canada, provided the license includes a picture of the licensee.
2. A nonoperating identification license issued pursuant to section 28-3165.
3. An armed forces identification card.
4. A valid passport or border crossing identification card that is issued by a government.
5. A voter card issued by the government of Mexico and that contains a photograph and the date of birth of the person.

B. An operator or employee of a commercial establishment who sells, gives, serves or furnishes a nitrous oxide container to a person who is under eighteen years of age without having recorded and retained a record of the person's age or a dated and signed photocopy of the instrument of identification exhibited as prescribed by subsection A of this section is deemed to have constructive knowledge of the person's age.

C. A person who is under eighteen years of age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce a person to sell, serve, give or furnish a nitrous oxide container contrary to section 13-3403.01 is guilty of a class 1 misdemeanor.

D. A person who is under eighteen years of age and who solicits another person to purchase, sell, give, serve or furnish a nitrous oxide container contrary to law is guilty of a class 3 misdemeanor.

E. A person who does not have a valid driver or nonoperating identification license and who uses a driver or nonoperating identification license of another in violation of subsection C of this section shall have that person's right to apply for a driver or nonoperating identification license suspended as provided by section 28-3309, subsection B. A person who uses a driver or nonoperating identification license in violation of subsection C of this section is subject to suspension of the driver or nonoperating identification license as provided in section 28-3309, subsection C.

F. A person who knowingly influences the selling, giving or serving of a nitrous oxide container to a person under eighteen years of age by misrepresenting the age of the person or who orders, requests, receives or procures a nitrous oxide container from an operator or employee of a commercial establishment with the intent of selling, giving or serving it to a person under eighteen years of age is guilty of a class 1 misdemeanor.

G. For purposes of this section, "nitrous oxide container" means any container or canister exclusively containing nitrous oxide.

13-3405. Possession, use, production, sale or transportation of marijuana; classification
A. A person shall not knowingly:
1. Possess or use marijuana.
2. Possess marijuana for sale.
3. Produce marijuana.
4. Transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer marijuana.
B. A person who violates:
1. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of less than two pounds is guilty of a class 6 felony.
2. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of at least two pounds but less than four pounds is guilty of a class 5 felony.
3. Subsection A, paragraph 1 of this section involving an amount of marijuana not possessed for sale having a weight of four pounds or more is guilty of a class 4 felony.
4. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 4 felony.
5. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 3 felony.
6. Subsection A, paragraph 2 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 2 felony.
7. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 5 felony.
8. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 4 felony.
9. Subsection A, paragraph 3 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 3 felony.
10. Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 3 felony.
11. Subsection A, paragraph 4 of this section involving an amount of marijuana having a weight of two pounds or more is guilty of a class 2 felony.

C. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 5, 6, 8, 9 or 11 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

D. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of any provision of this section to pay a fine of not less than seven hundred fifty dollars or three times the value as determined by the court of the marijuana involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.

E. A person who is convicted of a felony violation of any provision of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug or narcotic drug except as lawfully administered by a practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections as appropriate during the duration of the term of probation or before the expiration of the sentence imposed.

F. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial is less than the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 4, 7 or 10 and who
is granted probation by the court shall be ordered by the court that as a condition of probation the person perform not less than two hundred forty hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

G. If a person who is sentenced pursuant to subsection B, paragraph 1, 2 or 3 of this section is granted probation for a felony violation of this section, the court shall order that as a condition of probation the person perform not less than twenty-four hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

H. If a person is granted probation for a misdemeanor violation of this section, the court shall order as a condition of probation that the person attend eight hours of instruction on the nature and harmful effects of narcotic drugs, marijuana and other dangerous drugs on the human system, and on the laws related to the control of these substances, or perform twenty-four hours of community restitution.

13-3406. Possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs; classification

A. A person shall not knowingly:

1. Possess or use a prescription-only drug unless the person obtains the prescription-only drug pursuant to a valid prescription of a prescriber who is licensed pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 21, 25 or 29 or is similarly licensed in another state.

2. Unless the person holds a license or a permit issued pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 21, 25 or 29, possess a prescription-only drug for sale.

3. Unless the person holds a license or a permit issued pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 21, 25 or 29, possess equipment and chemicals for the purpose of manufacturing a prescription-only drug.

4. Unless the person holds a license or a permit issued pursuant to title 32, chapter 18, manufacture a prescription-only drug.

5. Administer a prescription-only drug to another person whose possession or use of the prescription-only drug violates any provision of this section.

6. Obtain or procure the administration of a prescription-only drug by fraud, deceit, misrepresentation or subterfuge.

7. Unless the person is authorized, transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer a prescription-only drug.

B. A person who violates:

1. Subsection A, paragraph 1, 3, 4, 5 or 6 is guilty of a class 1 misdemeanor.

2. Subsection A, paragraph 2 or 7 is guilty of a class 6 felony.

C. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of any provision of this section to pay a
fine of one thousand dollars. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.

D. A person who is convicted of a felony violation of a provision of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug, narcotic drug or prescription-only drug except as lawfully administered by a practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections, as appropriate, during the duration of the term of probation or before the expiration of the sentence imposed.

E. If a person who is convicted of a violation of a provision of subsection A, paragraph 2 or 7 is granted probation, the court shall order that as a condition of probation the person perform not less than two hundred forty hours of community restitution with an agency or organization providing counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

13-3407. Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs; classification

A. A person shall not knowingly:
1. Possess or use a dangerous drug.
2. Possess a dangerous drug for sale.
3. Possess equipment or chemicals, or both, for the purpose of manufacturing a dangerous drug.
5. Administer a dangerous drug to another person.
6. Obtain or procure the administration of a dangerous drug by fraud, deceit, misrepresentation or subterfuge.
7. Transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer a dangerous drug.

B. A person who violates:
1. Subsection A, paragraph 1 of this section is guilty of a class 4 felony. Unless the drug involved is lysergic acid diethylamide, methamphetamine, amphetamine or phencyclidine or the person was previously convicted of a felony offense or a violation of this section or section 13-3408, the court on motion of the state, considering the nature and circumstances of the offense, for a person not previously convicted of any felony offense or a violation of this section or section 13-3408 may enter judgment of conviction for a class 1 misdemeanor and make disposition accordingly or may place the defendant on probation in accordance with chapter 9 of this title and refrain from designating the offense as a felony or misdemeanor until the probation is successfully terminated. The offense shall be treated as a felony for all purposes until the court enters an order designating the offense a misdemeanor.
2. Subsection A, paragraph 2 of this section is guilty of a class 2 felony.
3. Subsection A, paragraph 3 of this section is guilty of a class 3 felony, except that if the offense involved methamphetamine, the person is guilty of a class 2 felony.
4. Subsection A, paragraph 4 of this section is guilty of a class 2 felony.
5. Subsection A, paragraph 5 of this section is guilty of a class 2 felony.
6. Subsection A, paragraph 6 of this section is guilty of a class 3 felony.
7. Subsection A, paragraph 7 of this section is guilty of a class 2 felony.

C. Except as provided in subsection E of this section, a person who is convicted of a violation of subsection A, paragraph 1, 3 or 6 and who has not previously been convicted of any felony or who has not been sentenced pursuant to section 13-703, section 13-704, section 13-706, subsection A, section 13-708, subsection D or any other law making the convicted person ineligible for probation is eligible for probation.

D. Except as provided in subsection E of this section, if the aggregate amount of dangerous drugs involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is convicted of a violation of subsection A, paragraph 2, 5 or 7 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

E. If the person is convicted of a violation of subsection A, paragraph 2, 3, 4 or 7 of this section and the drug involved is methamphetamine, the person shall be sentenced as follows:

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<thead>
<tr>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 calendar years</td>
<td>10 calendar years</td>
<td>15 calendar years</td>
</tr>
</tbody>
</table>

A person who has previously been convicted of a violation of subsection A, paragraph 2, 3, 4 or 7 of this section involving methamphetamine or section 13-3407.01 shall be sentenced as follows:

<table>
<thead>
<tr>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 calendar years</td>
<td>15 calendar years</td>
<td>20 calendar years</td>
</tr>
</tbody>
</table>

F. A person who is convicted of a violation of subsection A, paragraph 4 of this section or subsection A, paragraph 2, 3 or 7 of this section involving methamphetamine is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

G. If a person is convicted of a violation of subsection A, paragraph 5 of this section, if the drug is administered without the other person's consent, if the other person is under eighteen years of age and if the drug is flunitrazepam, gamma hydroxy butrate or ketamine hydrochloride, the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

H. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of this section to pay a fine of not less than one thousand dollars or three times the value as determined by the court of the dangerous drugs involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge
shall not suspend any part or all of the imposition of any fine required by this subsection.

I. A person who is convicted of a violation of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug, narcotic drug or prescription-only drug except as lawfully administered by a health care practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections, as appropriate, during the duration of the term of probation or before the expiration of the sentence imposed.

J. If a person who is convicted of a violation of this section is granted probation, the court shall order that as a condition of probation the person perform not less than three hundred sixty hours of community restitution with an agency or organization that provides counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

K. The presumptive term imposed pursuant to subsection E of this section may be mitigated or aggravated pursuant to section 13-701, subsections D and E.

Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs; classification

A. A person shall not knowingly:
   1. Possess or use a narcotic drug.
   2. Possess a narcotic drug for sale.
   3. Possess equipment or chemicals, or both, for the purpose of manufacturing a narcotic drug.
   5. Administer a narcotic drug to another person.
   6. Obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge.
   7. Transport for sale, import into this state, offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer a narcotic drug.

B. A person who violates:
   1. Subsection A, paragraph 1 of this section is guilty of a class 4 felony.
   2. Subsection A, paragraph 2 of this section is guilty of a class 2 felony.
   3. Subsection A, paragraph 3 of this section is guilty of a class 3 felony.
   4. Subsection A, paragraph 4 of this section is guilty of a class 2 felony.
   5. Subsection A, paragraph 5 of this section is guilty of a class 2 felony.
   6. Subsection A, paragraph 6 of this section is guilty of a class 3 felony.
   7. Subsection A, paragraph 7 of this section is guilty of a class 2 felony.

C. A person who is convicted of a violation of subsection A, paragraph 1, 3 or 6 of this section and who has not previously been convicted of any felony or who has not been sentenced pursuant to section 13-703, section 13-704, subsection A, B, C, D or E, section 13-706, subsection A, section 13-708, subsection D or any other provision of law making the convicted person ineligible for probation is eligible for probation.

D. If the aggregate amount of narcotic drugs involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold
amount, a person who is convicted of a violation of subsection A, paragraph 2, 5 or 7 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

E. A person who is convicted of a violation of subsection A, paragraph 4 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

F. In addition to any other penalty prescribed by this title, the court shall order a person who is convicted of a violation of this section to pay a fine of not less than two thousand dollars or three times the value as determined by the court of the narcotic drugs involved in or giving rise to the charge, whichever is greater, and not more than the maximum authorized by chapter 8 of this title. A judge shall not suspend any part or all of the imposition of any fine required by this subsection.

G. A person who is convicted of a violation of this section for which probation or release before the expiration of the sentence imposed by the court is authorized is prohibited from using any marijuana, dangerous drug, narcotic drug or prescription-only drug except as lawfully administered by a health care practitioner and as a condition of any probation or release shall be required to submit to drug testing administered under the supervision of the probation department of the county or the state department of corrections, as appropriate, during the duration of the term of probation or before the expiration of the sentence imposed.

H. If a person who is convicted of a violation of this section is granted probation, the court shall order that as a condition of probation the person perform not less than three hundred sixty hours of community restitution with an agency or organization that provides counseling, rehabilitation or treatment for alcohol or drug abuse, an agency or organization that provides medical treatment to persons who abuse controlled substances, an agency or organization that serves persons who are victims of crime or any other appropriate agency or organization.

13-3410. **Serious drug offender; sentencing; definitions**

A. A person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a serious drug offense and who committed the offense as part of a pattern of engaging in conduct prohibited by this chapter, which constituted a significant source of the person's income, shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served not less than twenty-five years or the sentence is commuted.

B. A person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a serious drug offense and who committed the offense as part of the person's association with and participation in the conduct of an enterprise as defined in section 13-2301, subsection D, paragraph 2, which is engaged in dealing in substances controlled by this chapter, and who organized, managed, directed, supervised or financed the
enterprise with the intent to promote or further its criminal objectives shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served not less than twenty-five years or the sentence is commuted.

C. A person commits an offense as part of a pattern of engaging in conduct prohibited by this chapter if the person's conduct involves at least three criminal acts that have the same or similar purposes, results, participants, victims or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

D. For the purposes of this section:
1. "Serious drug offense" means any violation of, including any attempt or conspiracy to commit a violation of, section 13-3404.01, section 13-3405, subsection A, paragraphs 2 through 4, section 13-3407, subsection A, paragraphs 2 through 7 or section 13-3408, subsection A, paragraphs 2 through 7 involving an amount of marijuana, dangerous drugs or narcotic drugs having a weight that equals or exceeds the statutory threshold amount, a felony violation of section 13-3406 or any violation of section 13-3409.
2. "Significant source of income" means a source of income that exceeds twenty-five thousand dollars received during a calendar year without reference to any exceptions, reductions or setoffs.

2. **Federal sanctions**—United States Code prohibits the following acts:

   a. **Alcohol offenses**: Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.

   b. **Illegal drug offenses**:
      1. **Simple possession**. It is illegal for any person to knowingly or intentionally possess a controlled substance unless obtained by a valid prescription. 21 U.S.C. §844.
      2. **Violations** of this section are punishable by imprisonment for up to 1 year, a minimum fine of $1,000, or both. After a prior conviction for any drug offense, the violator shall be imprisoned for a term of at least 15 days and not more than 2 years and fined a minimum of $2,500. A third conviction carries a penalty of imprisonment for at least 90 days but no more than 3 years and a minimum fine of $5,000. A person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of $1,000, if the conviction is a first conviction under this subsection and the amount of the mixture or substance exceeds 5 grams.
      3. **Where a person at least 18 years of age distributes a controlled substance to any person under 21 years of age, or where a person possesses with intent to distribute, distributes or manufactures a controlled substance in or on, or within 1000 feet of a public or private elementary, secondary, vocational or public or private college, junior college or university, or playground or housing facility owned by a public housing authority, or
within 100 feet of a youth center, public swimming pool or video arcade facility, the punishment shall be twice the maximum punishment provided in 21 U.S.C. 841, which provides in part 1, 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 $4,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both.

(4) Any person convicted of a drug offense under these federal laws shall forfeit to the government any property derived from or obtained directly or indirectly as a result of the violation, or any property used to commit or facilitate the violation. 21 U.S.C. ~853.

(5) Ineligibility to receive or purchase a firearm. 18 U.S.C. ~922(g).

(6) Miscellaneous: Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, are vested within the authority of individual federal agencies.

G. Health Risks Associated with Use of Illegal Drugs and Abuse of Alcohol

1. Alcohol:
   a. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.
   b. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition can also lead to permanent damage to vital organs such as the brain and the liver.
   c. Infants and children develop fetal alcohol syndrome (FAS) as a result of maternal alcohol intake during pregnancy. In severe cases, children with FAS are born with physical abnormalities and mental retardation. But central nervous system damage leading to learning problems, lack of impulse control, hyperactivity and emotional/social difficulties in children can occur with even small amounts of maternal alcohol intake. There is no safe level of alcohol consumption during pregnancy. [Paragraph 1.c. revised 10-12-04.]

2. Cannabis:
a. All forms of cannabis have negative physical and mental effects. Several regularly observed physical effects of cannabis are a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat and increased appetite.

b. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that students do not retain knowledge when they are "high." Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis.

c. BSCA use users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco smoke.

d. Long-term users of cannabis may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

3. Inhalants:

a. The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, and lack of coordination and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrates cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage.

b. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

c. Long-term use can cause weight loss, fatigue, electrolyte imbalance and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

4. Cocaine:

a. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose.

b. Injecting cocaine with contaminated equipment can cause AIDS, hepatitis and other diseases.

c. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion.

d. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly.
e. Crack or freebase rock is extremely addictive and its effects are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures.

f. The use of cocaine can cause death by cardiac arrest or respiratory failure.

5. Other stimulants:
   a. Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination and even physical collapse.
   b. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure.
   c. In addition to the physical effects, users report feeling restless, anxious and moody. Higher doses intensify the effects.
   d. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia. The symptoms usually disappear when drug use ceases.

6. Depressants:
   a. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.
   b. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia and anxiety to convulsions and death.
   c. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

7. Hallucinogens:
   a. Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. SCA use the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last 6 months to a year following prolonged daily use. Mood disorders—depression, anxiety and
violent behavior—also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.

b. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

8. Narcotics:
   a. Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea and vomiting. Users also may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Tolerance to narcotics develops rapidly and dependence is likely.
   b. The use of contaminated syringes may result in disease such as AIDS, endocarditis and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

9. Designer drugs:
   a. Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate.
   b. Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphoriant. They can produce severe neuro-chemical damage to the brain. The narcotic analogs can cause symptoms such as those seen in Parkinson’s disease: uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations and impaired perception.

Description of Health Risks was obtained from “What Works: Schools without Drugs,” United States Department of Education, 1989.

H. Program Review
The University will conduct a biennial review of this program to determine its effectiveness, make changes where necessary and ensure that it is consistently followed.
I. Program Notification
Every student receives a copy of this policy annually in conjunction with registration for classes and every employee of the University shall receive a copy of the Drug and Alcohol Abuse Prevention Program annually through the campus mail. Additional copies of the program can be obtained from the office of the Vice President for Student Development.
<table>
<thead>
<tr>
<th>Offenses</th>
<th>On Campus</th>
<th>Residential facilities*</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Totals</th>
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** These categories were added for the 2014 ASR and were not collected for the two previous years

Evangel University acquired this separate campus in 2013

Crime Statistics
Hate Crime Statistics

There were no hate crimes reported in 2011, 2012, and 2013.