

2016-2017 Annual Notification The Drug-Free Schools and Communities Act

[EDGAR Part 86]

To: All Students and Employees of Lynn University

From: Student Affairs and Employee Services

Alcohol and Drugs Prevention Program

Pursuant to the Federal Drug-Free Schools and Communities Act Amendments of 1989, Lynn University has a drug and alcohol prevention program for its students and employees. The program includes an annual disclosure to each student and to all employees outlining the standard of conduct expected of students and employees in relationship to the possession, use or distribution of illicit drugs and alcohol on any of the University’s campuses or as part of any University activity; a description of the applicable legal sanctions under local, state and federal law which may arise from the unlawful possession or distribution of illicit drugs; a description of the health risks associated with the use of illicit drugs; and a clear statement of the disciplinary sanctions which may be imposed by the University upon students and employees for violations of the standard of conduct.

Applicable Policies:

[Volume II – Community Policies](#)

[Volume III – Institution-Wide Employment Policies](#)

[Volume VI – Student Affairs Policies](#)

The University’s Alcohol and Drug Prevention Program is reviewed biennially by the University to determine effectiveness and to implement changes (if needed) to ensure that the University’s disciplinary sanctions (below) are consistently enforced. The University’s biennial review includes a determination as to: (a) the number of drug- and alcohol-related violations and fatalities occurring on the Lynn University campuses or as part of University sanctioned activities that are reported to campus officials; and, (b) the number and types of sanctions the University imposed on students and employees as a result of such violations or fatalities.

A copy of the Biennial Review may be obtained by contacting Evelyn Nelson, Executive Director of Student Financial Services by calling 561-237-7816 or sending an email to ENelson@lynn.edu.

The following offices are available to provide resources and assistance to employees and students related to the University Alcohol and Drugs Prevention Program:

Employee Services Green Center 561-237-7290 Website	Substance Abuse Prevention and Treatment Specialist Gail DeCina Counseling Center E.M. Lynn Residence Center 561-237-7468 gdecina@lynn.edu Website
Campus Safety Campus Safety Command Center Across from E.M. Lynn Residence Center 561-237-7226 Website	Dean of Students Dr. Gary Martin E.M. Lynn Residence Center 561-237-7157 gmartin@lynn.edu Website
Health Center E.M. Lynn Residence Center 561-237-7231 Website	Counseling Center E.M. Lynn Residence Center 561-237-7237 Website

Introduction

Drug and Alcohol Free Workplace

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, to protect its business, property, equipment, and operations, and in compliance with the Drug Free Workplace Act, the University has established a Drug and Alcohol Free Workplace policy concerning the use of alcohol and drugs (see Volume III of the *Lynn University Policy Manual*) by employees. As a condition of continued employment with the University, each employee must abide by the policy.

Student Alcohol Use

Lynn University respects the rights of those students 21 years of age or older to consume alcohol. Therefore, with regard to on-campus consumption of alcohol, only students 21 years of age or older may consume and possess alcohol, and only if done so in the privacy of their rooms or at specifically designated functions. Students under the age of 21 are not permitted to have alcohol on campus or at any designated University function. Students found in violation of this policy may have the alcohol confiscated and may also have conduct code charges filed against them. Alcohol is not permitted in public areas without permission from an appropriate University official. The use of bulk or keg containers is prohibited, unless approved in advance pursuant to the proper protocols with an authorized University officer. Please refer to the University's Alcohol and Other Drugs Policy ([see Volume VI of the Lynn University Policy Manual](#)) for additional information.

Student Drug Use

The University does not condone the illegal possession, use, abuse of prescription drugs, provision, or sale of drugs, including marijuana. Students found using drugs will be subject to appropriate discipline. Students found selling drugs could be expelled. Please see the University's Alcohol and Other Drugs Policy in [Volume VI, of the Lynn University Policy Manual](#) and/or the Alcohol and Other Drug Policy booklet for complete details.

Definitions

For purposes of this Program:

1. "Illegal drugs or other controlled substances" mean any drug or substance that (a) is not legally obtainable; (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully. "Controlled substances" include any form of narcotic, hallucinogen, depressant, stimulant, or other drug whose use, possession, or transfer is restricted or prohibited by law, including but not limited to marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates.
2. "Legal drug" means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
3. "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
4. "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

5. "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

Health Risks

The use of illicit drugs is associated with many health risks, including hepatitis, HIV, addiction, and impaired ability to function. Alcohol abuse is associated with impaired coordination, decreased mental alertness, and many other health risks. Health risks of illicit drug use and alcohol abuse increase with prolonged use.

The following briefly summarizes health risks and symptoms associated with alcohol abuse and use of illicit drugs. It is important to note that individuals experience alcohol and drugs in different ways based on physical tolerance, body size, gender and a variety of other physical and psychological factors.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair judgment and coordination required to drive a car safely; increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairment 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 described.

Repeated use of alcohol can lead to addiction. 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. Drinking during pregnancy may cause birth defects such as fetal alcohol syndrome, mental retardation and irreversible physical abnormalities. Research also indicates that children of alcoholic parents are at greater risk of becoming alcoholics.

Marijuana

Marijuana use leads to a substantial increase in the heart rate. It impairs or reduces short-term memory and comprehension. Motivation and cognition can be altered. With extended use, it can produce paranoia and psychosis. Smoking marijuana damages the lungs and pulmonary system. Marijuana contains more cancer-causing agents than tobacco. It also lowers male sex hormones, suppresses ovulation, and causes changes in the menstrual cycle and possible birth defects. Someone who uses marijuana may laugh inappropriately and have bloodshot eyes, dry mouth and throat, odor of the drug, and a poor sense of timing and increased appetite.

Cocaine and Crack

Health risks may include changes in body temperature and blood pressure as well as heart and breathing rates. Even small amounts may cause the body to exceed its own limits, sometimes resulting in death. Snorting cocaine may severely damage nasal tissue and the septum. Smoking cocaine may damage the lungs. Someone using cocaine may experience muscle twitching, panic reactions, anxiety, numbness in hands and feet, loss of weight, a period of hyperactivity followed by a crash, a runny or bleeding nose and depression. Other symptoms of cocaine may include nausea, vomiting, insomnia, tremors and convulsions. Chronic users may become paranoid and/or experience hallucinations.

Barbiturates

In small doses, barbiturates produce calmness, relaxed muscles and lowered anxiety. Larger doses cause slurred speech, staggering gait and altered perception. Very large doses, or doses taken in combination with other central nervous system depressants (e.g., alcohol), may cause respiratory depression, coma and even death. A person who uses barbiturates may have poor muscle control, appear drowsy or drunk, become confused, irritable, or inattentive, or have slowed reactions.

Amphetamines

Amphetamines, methamphetamines or other stimulants can cause increased heart and respiratory rates, elevated blood pressure and dilated pupils. Larger doses cause rapid or irregular heartbeat, tremors and physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, high fever, heart failure and death. An individual using amphetamines might begin to lose weight, have the sweats and appear restless, anxious, moody and unable to focus. Extended use may produce psychosis, including hallucinations, delusions and paranoia.

Hallucinogens (including PCP, LSD, Mescaline, Peyote, Psilocybin) PCP, or angel dust, interrupts the part of the brain that controls the intellect and keeps instincts in check. PCP blocks pain receptors. Violent episodes, including self-inflicted injuries, are not uncommon in PCP users. Chronic users report memory loss and speech difficulty. Very large doses produce convulsions, coma, heart and lung failure, or ruptured blood vessels in the brain. LSD, mescaline, peyote, etc. cause dilated pupils, elevated body temperature, increased heart rate and blood pressure and tremors. Someone under the influence of PCP might appear moody, aggressive or violent. Such an individual may become paranoid and experience hallucinations and have time and body movements slowed. People using LSD may experience loss of appetite, sleeplessness, confusion, anxiety and panic and may report perceptual distortion. Flashbacks may occur.

Narcotics (including Heroin, Codeine, Morphine, Opium, Percodan)

Because narcotics are generally injected, the use of contaminated needles may result in many different diseases, including AIDS and hepatitis. Symptoms of overdose include shallow breathing, clammy skin, convulsions and coma and may result in death. Some signs of narcotic use are euphoria, drowsiness, constricted pupils and nausea. Other symptoms include itchy skin, needle or “track” marks on the arms and legs, nodding, lack of sex drive and appetite and sweating, cramps and nausea when withdrawing from the drug.

Alcohol and Substance Abuse Resources

The following is a list of some alcohol and other drug prevention, counseling, treatment and rehabilitation programs and hotlines. Addiction is a disease for which help is available. Students are encouraged to contact the Counseling Center for help by call 561-237-7237. Employees may seek help through the Unum Employee Assistance program, www.lifebalance.net (user ID and password = lifebalance) or speak with a specialist at 800-854-1446.

Hotlines:

Alcoholic Anonymous	561-383-1111
Narcotics Anonymous	561-848-6262
Cocaine Hotline	800-347-8998
AIDS Hotline	800-352-2437
Suicide Hotline	561-383-1111

Drug and Alcohol Rehabilitation Centers:

Center at Origins	561-841-1000
Fair Oaks Hospital	561-495-1000
Caron Renaissance	561-241-7977
The Beachcomber Family Center for Drug and Alcohol Abuse	561-276-6226
Behavioral Health of the Palm Beaches	561-296-8121 / 888-432-2467
The Florida House	954-421-6242 / 561-350-5522
LifeSkills South Florida	954-834-5099 / 561-392-1199 (Out-Patient)

Alcohol or Drug Intoxication or Overdose Emergencies

Individuals concerned about a person’s intoxication, condition, consciousness, or safety, should call 911 and/or take the individual to a hospital emergency room. Also, please contact the Department of Campus Safety or, if the incident involves a resident student, a staff member from resident life.

After calling 911, turn the person on his or her side, with their arm extended and supporting their head. Never allow an intoxicated or drugged person to “sleep it off.”

Walk or drive an intoxicated person(s) home. Do not let or leave anyone alone outside when intoxicated. Make certain intoxicated individuals are safe INSIDE once home.

Signs of Alcohol Poisoning

- Person is known to have consumed large quantities of alcohol in a short period of time
- Person is semi-conscious or unconscious and cannot be awakened
- Person has cold, clammy, unusually pale, or bluish skin
- Person is breathing slowly or irregularly – usually this means less than eight times a minute or eight seconds or more between any two breaths
- Person vomits while unconscious and does not wake up during or after

Standards of Conduct For Students

Student Alcohol Use

Lynn University respects the rights of those students 21 years of age or older to consume alcohol. Therefore, with regard to on-campus consumption of alcohol, only students 21 years of age or older may consume and possess alcohol, and only if done so in the privacy of their rooms or at specifically designated functions. Students under the age of 21 are not permitted to have alcohol on campus or at any designated University function. Students found in violation of this policy may have the alcohol confiscated and may also have conduct code charges filed against them. Alcohol is not permitted in public areas without permission from an appropriate University official. The use of bulk or keg containers is prohibited, unless approved in advance pursuant to the proper protocols with an authorized University officer. Please refer to the University's Alcohol and Other Drugs Policy ([see Volume VI of the Lynn University Policy Manual](#)) for additional information.

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Amnesty Policy

As partners with the University in promoting health and safety, all students have a responsibility and obligation to seek immediate assistance for any student known to be experiencing a serious health crisis, including one resulting from high risk drinking or the abuse of other drugs. As such, students who seek assistance on behalf of a peer and are themselves under the influence of alcohol or drugs in violation of this policy will not receive a Code of Conduct sanction for this action. Additionally, the student who is the subject of the report will not receive a Code of Conduct sanction for this action.

It is the University's intention to partner with students in promoting health and safety. The University will provide students with the assistance needed to respond to high risk drinking and other drug abuse. Students may seek such assistance by contacting Student Affairs or Campus Safety.

After the crisis is resolved, the student who experienced the health crisis, as a result of alcohol intoxication or other drug consumption, will be referred to a substance abuse prevention and treatment specialist. The substance abuse prevention and treatment specialist will provide further assessment, substance abuse education, counseling, recommendations and/or referral as applicable to the individual student's need.

Standards of Conduct for Employees

Drug and Alcohol Free Workplace

Lynn University is committed to maintaining a workplace that is free of drugs and alcohol. The University has a vital interest in maintaining safe and efficient working conditions for its employees. The complete Alcohol and Drug Prevention Policy may be found in [Volume II of the Lynn University Policy Manual](#). Substance abuse is incompatible with health, safety, efficiency, and success at the University. Employees who are under the influence of a drug or alcohol on the job compromise the University's interests, endanger their own health and safety and the health and safety of others, including other employees, students and visitors, and can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality in products or service, and disruption of customer relations.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, the University has established this Policy concerning the use of alcohol and drugs. As a condition of continued employment with the University, each employee must abide by this Policy.

Prohibited Conduct

The prohibitions of this section apply whenever the interests of the University may be adversely affected, including any time the employee is:

1. On University premises;
2. At University sponsored or University related events;
3. Conducting or performing University business, regardless of location;
4. Operating or responsible for the operation, custody, or care of University equipment or other property; or
5. Responsible for the safety of others.

The following acts are prohibited and subject an employee to termination:

1. The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol;
2. Being under the influence of alcohol;
3. Possession of holiday gifts of alcohol, which have been received or are to be given away by employees but are not opened or consumed on University premises, does not violate this standard;
4. The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance;
5. Being under the influence of any illegal drug or other controlled substance;
6. The abuse of any legal drug;

7. The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or
8. Working while *impaired* by the use of a legal drug whenever such impairment might:
 - a. Endanger the safety of the employee or some other person;
 - b. Pose a risk of significant damage to University property or equipment; or
 - c. Substantially interfere with the employee's job performance or the efficient operation of the University's business or equipment.

Drug Testing

Lynn University is determined to eliminate the use of illegal drugs, alcohol, and controlled substances at our work sites. The purpose of this program is to improve job safety on all projects. This program is designed solely for the benefit of our employees and students to provide reasonable safety on the job and protection from offending individuals. In addition, this program attempts to meet our responsibility to the student body.

Testing: Drugs and alcohol tests may be administered under the following conditions:

1. When an employee shows signs of impairment on the job (i.e., based on reasonable suspicion);
2. After any accident or occurrence that results in an injury on the job as defined by the Occupational Safety
3. After any vehicular accident when it appears that the employee might reasonably have avoided the accident or minimized the consequences, but did not do so;
4. Before return-to-duty; and/or
5. Follow-up testing upon selection or request of management.

Employees who refuse to submit to drug and alcohol testing may be terminated.

Effect of Criminal Arrest or Conviction

Employees are required by this policy to notify their supervisor or Employee Services immediately of any arrest or conviction under a criminal drug statute for a violation occurring in or outside of the workplace, immediately after any such arrest or conviction. An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any University-related activity or event will be deemed to have violated this policy. The University may take appropriate disciplinary action up to and including termination against the convicted employee within 30 days of notification.

Use of Legal Drugs

The University recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to University property, or substantially

interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work.

To accommodate the absence, the employee may use eligible sick leave or vacation time. The employee may also contact their supervisor to determine whether or not he or she qualifies for an unpaid leave of absence, such as family medical leave. Nothing in this Policy is intended to diminish the University's commitment to employ and reasonably accommodate qualified disabled individuals. The University will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability and who, because of their appropriate use of such drugs, cannot perform the essential functions of their positions adequately or safely.

Customary Use of Over-the-Counter Drugs: Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Policy.

Confidentiality

Disclosures made by employees to Employee Services concerning their use of legal drugs will normally be treated confidentially and will normally not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to Employee Services concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially to the extent feasible.

Counseling/Employee Assistance

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged to seek diagnosis voluntarily and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact Employee Services, who will determine whether the University can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. No employee will have job security threatened by seeking assistance for substance abuse. The same consideration for referral and treatment afforded to other employees seeking treatment for non-drug/alcohol-related illnesses is extended to them. Employees should, however, be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this policy or any of other University policy.

The Employee Assistance Program may be available for drug counseling and rehabilitation. Contact Employee Services for information about this program.

Consent to Testing and Searches

As a condition of employment at Lynn University, employees must consent to submit to the testing for drugs and/or alcohol as shall be determined by the University for the purpose of determining the drug and/or alcohol content thereof. Refusal to test will result in immediate termination.

Entering the University's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or

inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment. An employee's refusal to consent to a search will result in immediate termination.

Sanctions

Students, staff or faculty who engage in conduct prohibited by law in violation of any city ordinances, state criminal laws, or federal laws relating to alcohol or drug use or the University's Alcohol and Drug policies may be subject to disciplinary sanctions as follows:

For **Students**, sanctions may include warnings, behavioral contracts, community service, financial fines or restitution, referrals to professional counseling, social probation, probation, suspension from the University, expulsion, and the withholding or revocation of a degree. University sanctions are set forth in detail in the Student Code of Conduct. Sanctions that include suspension and/or dismissal from the University may be noted on the student's permanent academic records, including transcripts.

For **Staff** employees, the sanction may include any form of progressive discipline or termination as set forth in Volume III of the *Lynn University Policy Manual*, including disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as well as possible training and/or referral to counseling.

For **Faculty**, the sanction may include any form of progressive discipline or termination as set forth in Volume IV of the *Lynn University Policy Manual*, including disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as well as possible training and/or referral to counseling.

For an **Employee who is also a student** who is acting within the scope of his/her employment at the time of the incident, the sanction may include any permissible from Volume III of the *Lynn University Policy Manual*.

At the discretion of the University, a student or employee found to have violated any city ordinances, state criminal laws, or federal laws relating to alcohol or drug use the law or University alcohol and drug policies may be required, in addition to any disciplinary action taken or as an alternative to disciplinary action, to participate in and satisfactorily complete, an appropriate counseling, rehabilitation or assistance program. In addition to University sanctions, the affected individual may be subject to criminal penalties under applicable federal and state law (see below).

Notice of Federal Student Financial Aid Penalties for Drug Law Violations

As prescribed in section 484(r) of the Higher Education Act, a student who, during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance, is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any additional grant, loan, or work assistance from the date of that conviction for the period of time specified in the following table:

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

(If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.)

Students denied eligibility for an indefinite period can regain it only after successfully completing an approved rehabilitation program or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

Student Responsibilities if Convicted During Period of Enrollment

If a student is convicted of a drug offense after receiving Federal aid, they must notify the Office of Financial Aid immediately. If a student has been convicted of a drug offense while applying to receive Title IV Federal financial aid, they are required to report the conviction on item number 23 of the FAFSA.

Parental Notification for Student Violations of the Alcohol and Other Drug Policy

The Family Education Rights and Privacy Act of 1974 authorizes higher education institutions to inform a parent or guardian of any student under age 21, who has been found in violation of any federal, state or local law or any rule or policy of the institution governing the use or possession of alcohol or controlled substances. The Dean of Students will notify parents/guardians of students under 21 years of age when a student is found responsible for a violation of the University's Alcohol and Drugs policies and all appeals have been exhausted.

State Alcohol Laws and Sanctions

Florida Statutes Chapter 562 details the Florida laws on alcoholic beverages and related penalties (misdemeanor, felony). Pursuant to Florida Statute 562.11, it is unlawful for person under the age of 21, except a person employed under the provisions of s. 562.13 acting in the scope of her or his employment within hotels, restaurants and other licensed establishments, to have in her or his possession alcoholic beverages. (F.S. §562.111). Violation of this offense is punishable by a definite term of imprisonment of up to 60 days and/or a \$500 fine; a subsequent offense is punishable by a definite term of imprisonment of up to one year and a fine of \$1,000. Possession of alcoholic beverages by a person under age 21 may also result in curtailment of driving privileges.

Florida Statute 562.11 also prohibits persons from selling, giving, serving or permitting to be served alcoholic beverages to a person under 21. It is also unlawful for a person under 21 to misrepresent his age in order to obtain alcohol. This includes the manufacture or use of false identification. Use of altered identification for the purpose of procuring alcoholic beverages is a felony. Violation of either of these offenses is also punishable by a definite term of imprisonment of up to 60 days and a fine of \$500. Misrepresentation of age may also lead to curtailment of driving privileges. See s. 775.082 or s. 775.083. A person who violates this subparagraph a second or subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

No person in the state shall be intoxicated and endanger the safety of another person or property, and no person in the state shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance. (F.S. §856.011). Any person violating the provisions of this subsection 856.011 shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Florida law also prohibits public intoxication on a street or public place while within the city limits. A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if the person is driving or in actual physical control of a vehicle within this state and (F.S. §316.193):

- (a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;
- (b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or
- (c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

(2) (a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

- 1. By a fine of:
 - a. Not less than \$500 or more than \$1,000 for a first conviction.
 - b. Not less than \$1,000 or more than \$2,000 for a second conviction; and
- 2. By imprisonment for:
 - a. Not more than 6 months for a first conviction;
 - b. Not more than 9 months for a second conviction.

See F.S. §316.193 for additional information.

Florida Drug Laws and Sanctions

The Florida statutes with regard to drug abuse are found in Florida Statutes Chapter 893. This chapter includes definitions of what constitutes illegal drugs, drug paraphernalia, prohibited activities, and related penalties. Conviction for the possession or distribution of illegal alcohol or drugs will result in various penalties according to the nature of the offense. This can include imprisonment, fines, confiscation of property, and other related penalties.

Per Section 893.11(1), "it is unlawful for any person to sell, purchase, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public or private college, University, or other postsecondary educational institution." Punishment for such crimes ranges from first-degree misdemeanors (up to one-year imprisonment and up to a \$1,000 fine) to first-degree felonies (up to 30 years imprisonment and up to a \$10,000 fine). Specifically, possession of fewer than 20 grams of marijuana is punishable with imprisonment of up to one year and a fine of up to \$1,000; possession of more than 20 grams of marijuana is a third-degree felony with imprisonment of up to five years and a fine of up to \$5,000. Trafficking (distributing specified large quantities of various controlled substances) is punishable by a term of imprisonment up to life and a fine of \$25,000 to \$500,000, depending on the particular illicit drug and the quantity involved. Thus, possession of fewer than 28 grams of cocaine is a third-degree felony, while possession of more than 28 grams of cocaine—trafficking in cocaine—is a first-degree felony, punishable with a fine of up to \$250,000 and imprisonment up to life without eligibility for early release. The death penalty may be imposed if a person has brought large quantities of the substances into the state knowing the result would be the death of any person.

Florida Controlled Substance List and Schedules can be found under F.S. §893.03. Florida "Precursor Chemical" list, which are chemicals that may be used in manufacturing a controlled substance in violation of Florida Statute, can be found under F.S. §893.033.

Individuals who have been convicted of a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance under certain circumstances may be disqualified from applying for state employment. Convictions on drug-related charges also may result in disqualification for federal financial aid. Punishments may include a fine of up to \$8 million and life imprisonment.

Federal Penalties for Illicit Drugs

The following federal trafficking penalties for illegal drugs took effect November 18, 1988, under the Controlled Substance Acts (CSA).

CSA I and II Penalties

For possession of 10–99 gram (gm) or 100–999 gm mixture of methamphetamine or PCP; 100–999 gm mixture of heroin; 500–4,999 gm mixture of cocaine; 5–49 gm mixture of cocaine base; 1–10 gm mixture of LSD; 40–399 gm mixture of fentanyl; 10–99 gm mixture of fentanyl analogue, the penalty is:

First offense: not less than five years or more than 40 years of imprisonment; if death or serious injury occurs, not less than 20 years of imprisonment or more than life; a fine of not more than \$2 million for individuals or \$5 million for other than individual.

Second offense: not less than 10 years of imprisonment or more than life; if death or serious injury occurs, not less than life imprisonment; a fine of not more than \$4 million for individuals, \$10 million for other than individual.

For possession of 100 gm or more, or one kg or more mixture of methamphetamine or PCP; one kg or more mixture of heroin; five kg or more mixture of cocaine; 50 gm or more mixture of cocaine base; 10 gm or more mixture of LSD; 400 gm or more mixture of fentanyl; 100 gm or more mixture of fentanyl analogue; the penalty is:

First offense: not less than 10 years of imprisonment or more than life; if death or serious injury occurs, not less than 20 years of imprisonment or more than life; a fine of not more than \$4 million for individuals, or \$10 million if other than individual.

Second offense: not less than 20 years of imprisonment or more than life; if death or serious injury occurs, not less than life imprisonment; a fine of not more than \$8 million for individuals, \$20 million for other than individual.

For other drugs, not including marijuana, hashish, or hash oil, the penalty is:

First offense: not more than 20 years of imprisonment; if death or serious injury occurs, not less than 20 years of imprisonment or more than life; a fine of \$1 million for individuals, \$5 million for other than individual.

Second offense: not more than 30 years of imprisonment; if death or serious injury occurs, life imprisonment; a fine of \$2 million individuals, \$10 million for other than individual.

CSA III, IV, and V Penalties

For CSA III drugs, not more than five years of imprisonment: a fine of not more than \$250,000 for individuals, or

\$1 million for other than individual.

Second offense: penalties double that of first offense.

For CSA IV drugs:

First offense: not more than three years of imprisonment; a fine of not more than \$250,000 for individuals, or

\$1 million for other than individual.

Second offense: penalties double that of first offense.

For CSA V drugs:

First offense: not more than one year of imprisonment; a fine of not more than \$100,000 for individuals, or \$250,000 for other than individual.

Second offense: penalties double that of first offense.

Marijuana, Hashish, and Hashish Oil

For possession of 1,000 kilogram (kg) or more, or 1,000 or more plants, of marijuana or mixture containing discernible quantity:

First offense: not less than 10 years of imprisonment, not more than life imprisonment. If death or serious injury occurs, not less than 20 years of imprisonment, not more than life imprisonment; a fine of not more than \$4 million for individuals, \$10 million for other than individual.

Second offense: not less than 20 years of imprisonment or not more than life imprisonment; if death or serious injury occurs, not less than life imprisonment; a fine of not more than \$8 million for individuals, \$20 million for other than individual.

For possession of 100 kg to 1,000 kg, or 100–999 plants, of marijuana or mixture containing discernible quantity:

First offense: not less than five years of imprisonment, not more than 40 years of imprisonment. If death or serious injury occurs, not less than 20 years of imprisonment, not more than life imprisonment; a fine of not more than \$2 million for individuals, \$5 million for other than individual.

Second offense: not less than 10 years of imprisonment or more than life imprisonment; if death or serious injury occurs, not less than life imprisonment; a fine of not more than \$4 million for individuals, \$10 million for other than individual.

For possession of 50 to 100 kg, or 50–99 plants, of marijuana; 10 to 100 kg hashish; or 1 to 100 kg hashish oil: First offense: not more than 20 years of imprisonment. If death or serious injury occurs, not less than 20 years of imprisonment, not more than life imprisonment; a fine of \$1 million for individuals, \$5 million for other than individual.

Second offense: not more than 30 years of imprisonment. If death or serious injury occurs, life imprisonment, a fine of \$2 million for individuals and \$10 million for other than an individual.

For possession of under 50 kg of marijuana, less than 10 kg of hashish, less than 1 kg of hashish oil:

First offense: not more than five years of imprisonment; a fine of not more than \$250,000 for individuals, \$1 million for other than individual.

Second offense: not more than 10 years of imprisonment; a fine of not more than \$500,000 for individuals, \$2 million for other than individual.

Drug-related Overdoses; Medical Assistance; Immunity from Prosecution (893.21)

(1) A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized pursuant to this chapter for possession of a controlled substance if the evidence for possession of a controlled substance was obtained as a result of the person's seeking medical assistance.

(2) A person who experiences a drug-related overdose and is in need of medical assistance may not be charged, prosecuted, or penalized pursuant to this chapter for possession of a controlled substance if the evidence for possession of a controlled substance was obtained as a result of the overdose and the need for medical assistance.

(3) Protection in this section from prosecution for possession offenses under this chapter may not be grounds for suppression of evidence in other criminal prosecutions.

Serving Alcohol at Lynn University Sponsored Events

If alcohol is to be served at a Lynn University sponsored and approved event, approval must be obtained one month in advance. Requests for approval to serve alcohol at a Lynn University sponsored event less than one month in advance will be considered on a case-by-case basis. Student organization must obtain written approval from the Vice President for Student Affairs. All other events where alcohol is to be served must be approved in writing by the Vice President for Administration and/or the General Counsel for the University.

All guidelines and regulations contained in the University's Alcohol and Other Drugs policy must be strictly observed. Any student organization seeking to serve alcohol at an event must complete a registration form and designate a staff or faculty sponsor for the event. The staff or faculty sponsors assumes the responsibility of adhering to Lynn University guidelines and state law, and insuring that appropriate behavior is maintained at all times.

The following guidelines will be observed for all approved events serving alcohol:

1. For on-campus events, alcoholic beverages are to be consumed only in the designated room(s) approved for the event;
2. Proof of legal drinking age will be required;
3. Individuals are not permitted to bring their own alcoholic beverages to an on-campus event;
4. Lynn University encourages low risk use of alcohol. No person will be served alcohol if they are already visibly intoxicated;
5. Drinking games will not be allowed;
6. No person may purchase or obtain alcohol for another person unless the person is present at the time of service, regardless of whether they are of legal drinking age;
7. Soft drinks and food are made available for the duration of any activity where alcoholic beverages are served; and
8. Lynn University will discourage the inappropriate use of alcohol by any member of its community.

Use of Alcohol at Athletic Events

Alcoholic beverages may not be possessed, consumed or served at University intramural or intercollegiate athletic contests unless otherwise approved by the General Counsel of the University.