

Drug-Free School and Workplace Policy

Aveda Arts & Sciences Institute Minneapolis embraces the spirit of the public law that requires schools to provide a drug-free campus and work place. As part of our institutional philosophy, we are dedicated to the advancement and wellbeing of the population we serve. As such, all students and employees are encouraged to abstain from the use of illegal drugs and irresponsible use of alcohol.

The institute will abide by the policy outlined below, which applies to both students and employees. Employees are also subject to the Neill Corporation drug and alcohol policy, which is incorporated by reference herein.

Standards of Conduct

The possession, distribution, or consumption of alcoholic beverages is prohibited on all Aveda Arts & Sciences Institute Minneapolis property, whether owned or leased. Students and Minnesota Cosmetology and Esthiology licensees are prohibited from school premises while consuming or under the influence of an intoxicant or alcohol. At institute-sponsored functions where alcohol may be served, Aveda Arts & Sciences Institute Minneapolis prohibits unlawful or irresponsible possession, distribution and consumption of alcoholic beverages, regardless of location and regardless of age. Aveda Arts & Sciences Institute Minneapolis enforces the drinking laws of the state of Minnesota, including the prohibition of use by persons younger than 21 years of age.

Aveda Arts & Sciences Institute Minneapolis prohibits the unlawful possession, distribution, use, and being under the influence of illegal drugs and/or controlled substances on any property leased or owned by the institute or in any program or activity sponsored by the institute in any location. Although the Minnesota Medical Cannabis Act allows those with a qualifying medical condition to use medical marijuana in certain circumstances, the possession of marijuana is prohibited under federal law. Aveda Arts & Sciences Institute Minneapolis accordingly prohibits possession, distribution, use, and being under the influence of marijuana on any property leased or owned by the institute or in any program or activity sponsored by the institute in any location.

Disciplinary Sanctions

Aveda Arts & Sciences Institute Minneapolis will impose disciplinary sanctions on students and employees (consistent with federal, state, or local law) for violations of the standards of conduct set forth in this policy. Disciplinary sanctions may include expulsion or termination of employment and referral for prosecution. As a condition of enrollment, students must abide by the terms of the policy or one or more of the following actions will be taken within 30 days:

- reporting the violation to law enforcement officials;
- taking appropriate disciplinary action against such student, up to and including expulsion; or
- requiring such student to participate in a substance abuse rehabilitation program approved for such purposes by a federal, state, local health, law enforcement, or other appropriate agency.

If an employee is not terminated after violating the Aveda Arts & Sciences Institute Minneapolis's alcohol and drug policy, they may be required to participate in a substance abuse assistance or rehabilitation program as a condition of continued employment.

Legal Sanctions

This description is intended to provide a basic, general understanding of the range of serious legal sanctions which can arise from the unlawful possession, distribution and/or use of illicit drugs and alcohol.

Individuals who are concerned about specific circumstances should consult applicable laws and/or seek legal counsel. In addition to the federal and state sanctions outlined below, secondary civil consequences may also flow from criminal drug violations. Property associated with the criminal acts, including homes and vehicles, can be confiscated by the state or federal government. Those who are convicted of felony violations may be barred from governmental employment or from licensed professions such as law, medicine and teaching. In addition, individuals may face a variety of penalties imposed by municipal ordinances.

Federal Sanctions. Federal anti-drug laws could affect a number of areas on the lives of our students and employees. Students could lose eligibility for financial aid, could be denied other federal benefits such as Social Security, retirement, welfare, health, disability, and veterans benefits. The Department of Housing and Urban Development, which provides funds to states and communities for public housing, now has the authority to evict resident members of their household who are involved in drug-related crimes on or near the public housing premises.

Federal Drug Offenses and Penalties, 21 U.S.C. § 841 et. seq.

§ 841(b)(1)(A) Distribution, manufacture, possession, and dispensing of 1 kilogram or more of a mixture containing a detectable amount of heroin; 5 kilograms or more of a mixture containing a detectable amount of coca leaves or cocaine; 280 grams or more of a mixture which contains cocaine base; 400 grams or more of a mixture containing a detectable amount of fentanyl or 100 grams or more of a mixture containing a detectable amount of a fentanyl analogue; 100 grams or more of PCP or 1 kilogram or more of a mixture or substance containing a detectable amount of PCP; 10 grams or more of a mixture containing a detectable amount of LSD; 1,000 kilograms of a mixture containing a detectable amount of marijuana or 1,000 or more marijuana plants; or 50 grams or more of methamphetamine or 500 grams or more of a mixture containing a detectable amount of methamphetamine, is a felony punishable by not less than 10 years in prison nor more than life in prison; and if death or serious bodily injury results, not less than 20 years nor more than life in prison; and not more than a \$10 million fine for a first offense. A second offense is punishable by not less than 20 years nor more than life in prison and a fine of not more than \$20 million. Two or more prior offenses may result in life in prison and a fine of not more than \$20 million.

§ 841(b)(1)(B) In the case of distribution, manufacture, possession, and dispensing of 100 kilograms or more of a mixture containing a detectable amount of marijuana or 100 or more marijuana plants; 100 grams or more of a mixture containing a detectable amount of heroin; 500 grams or more of a mixture containing a detectable amount of coca leaves or cocaine; 28 or more grams of a mixture which contains cocaine base; 40 grams or more of a mixture containing a detectable amount of fentanyl or 10 grams or more of a mixture containing a detectable amount of a fentanyl analogue; 1 gram or more of a mixture containing a detectable amount of LSD; 10 grams or more of PCP or 100 grams or more of a mixture containing a detectable amount of PCP; 5 grams or more of methamphetamine or 50 grams or more of a mixture containing a detectable amount of methamphetamine, one may be sentenced to not less than 5 years in prison nor more than 40 years; and if death or serious bodily injury results, not less than 20 years nor more than life in prison; and fined not more than \$5 million for a first offense. A second offense is punishable by not less than 10 years and not more than life in prison and a fine of not more than \$8 million.

§ 841(b)(1)(C) For distribution, manufacture, possession, and dispensing of 50 to 99 kilograms of a mixture containing a detectable amount of marijuana, or 50 to 99 marijuana plants; more than 10 kilograms of hashish; more than 1 kilogram of hashish oil; any amount of other schedule I or II substances; any drug product containing gamma hydroxybutyric acid; or 1 gram or less of flunitrazepam, one may be sentenced to not more than 20 years in prison. If death or serious bodily injury result, one may be sentenced not less than 20 years nor more than life in prison. In

addition, one may be fined not more than \$1 million. A second offense is punishable by not more than 30 years, or if death or serious bodily injury result, life in prison, and a fine of \$2 million.

§ 841(b)(1)(D) For distribution, manufacture, possession, and dispensing of a quantity of marijuana less than 50 kilograms, or 1 to 49 marijuana plants, less than 10 kilograms of hashish, or less than one kilogram of hashish oil, one may be sentenced to not more than 5 years and fined not more than \$250,000. A second offense is punishable by not more than 10 years in prison and a fine of not more than \$500,000.

§ 841(b)(1)(E) For distribution, manufacture, possession, and dispensing of any amount of other schedule III drugs, one may be sentenced to not more than 10 years in prison, or if death or serious bodily injury result, not more than 15 years in prison. One may be fined not more than \$500,000. A second offense is punishable by not more than 20 years in prison, or if death or serious bodily injury result, not more than 30 years, and a fine of not more than \$1 million.

§ 841(b)(2) For distribution, manufacture, possession, and dispensing of any amount of all other schedule IV drugs (other than one gram or more of flunitrazepam), one may be sentenced to not more than 5 years in prison and fined not more than \$250,000 for a first offense. A second offense is punishable by not more than 10 years in prison and a fine of not more than \$500,000.

§ 841(b)(3) For distribution, manufacture, possession, and dispensing of any amount of all schedule V drugs, one may be sentenced to not more than 1 year and fined not more than \$100,000 for a first offense. A second offense is punishable by not more than 4 years in prison and a fine of not more than \$200,000.

§ 848(b) If one is the head of a "drug ring" of 5 or more persons engaged in a criminal enterprise involving the manufacture, acquisition, transportation, distribution, or sale of illegal substances, one may be sentenced to life in prison in certain circumstances.

§ 853(a) All of the above include the possibility of forfeiture of property derived from or used in the distribution of illegal drugs, or used in the manufacture of such drugs.

§§ 859-60 Distribution of controlled substances to persons under 21 years of age may be punishable by twice the above sentences, as may distribution within 1,000 feet of a school, college, or university.

Federal law also imposes penalties for simple possession of controlled substances, as set forth in 21 U.S.C. § 844(a). A first conviction may result in a term of imprisonment of not more than one year, a minimum fine of \$1,000, or both. A second conviction will result in imprisonment for not less than 15 days but not more than 2 years and a fine of at least \$2,500. Penalties for a third conviction include imprisonment for not less than 90 days but not more than 3 years, and a minimum fine of \$5,000.

State Law Sanctions for Drug Offenses. Minnesota statutes related to drugs and controlled substances may be generally found under Chapter 152 of the Minnesota Statutes.

Minn. Stat. § 152.021 Controlled substance crimes in the first degree include the sale of 17 grams or more of a mixture containing cocaine or methamphetamine; 10 grams or more of a mixture containing heroin; 50 grams or more of a mixture containing a narcotic drug other than cocaine, heroin, or methamphetamine; 50 grams or more of a mixture containing amphetamine, phencyclidine, or hallucinogen, or 200 or more dosage units of that mixture; and 25 kilograms or more of a mixture containing marijuana or tetrahydrocannabinols. First degree crimes also include possession of 50 or more

grams of a mixture containing cocaine or methamphetamine; 25 grams or more of a mixture containing heroin; 500 grams or more of a mixture containing a narcotic drug other than cocaine, heroin, or methamphetamine; 500 grams or more of a mixture containing amphetamine, phencyclidine, or hallucinogen, or 500 or more dosage units of those substances; and 50 kilograms of marijuana or tetrahydrocannabinols or 500 or more marijuana plants. First degree offenses are punishable by imprisonment of up to 30 years and/or a fine of \$1 million.

Minn. Stat. § 152.022 Controlled substance crimes in the second degree include the sale of 10 or more grams of a mixture containing a narcotic drug other than heroin; 3 or more grams of a mixture containing heroin; 10 or more grams of a mixture containing amphetamine, phencyclidine, or hallucinogen, or 50 or more dosage units of that mixture; 10 kilograms or more of marijuana or tetrahydrocannabinols; and any amount of a schedule I or II narcotic drug to a person under the age of 18 or in a school zone, park zone, public housing zone, or a drug treatment facility. Second degree crimes also include possession of 25 grams or more of a mixture containing cocaine or methamphetamine; 6 grams or more of a mixture containing heroin; 50 grams or more of a mixture of other narcotic drugs; 50 grams or more of a mixture containing amphetamine, phencyclidine, or hallucinogen, or 100 or more dosage units of that mixture; and 25 kilograms or more of a mixture containing marijuana or tetrahydrocannabinols or 100 or more marijuana plants. Second degree offenses are punishable by imprisonment of up to 25 years and/or a fine of not more than \$500,000.

Minn. Stat. § 152.023 Controlled substance crimes in the third degree include the sale of any amount of a mixture containing a narcotic drug; 10 or more dosage units of a mixture containing phencyclidine or hallucinogen; any amount of a mixture containing a schedule I, II, or III substance (other than a schedule I or II narcotic) to a person under the age of 18; and 5 kilograms or more of a mixture containing marijuana or tetrahydrocannabinols. Third degree crimes also include possession of 10 grams or more of a mixture containing a narcotic drug other than heroin; 3 or more grams of a mixture containing heroin; 50 or more dosage units of a mixture containing a narcotic drug; any amount of a schedule I or II narcotic drug or a mixture containing methamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility; and 10 kilograms or more of a mixture containing marijuana or tetrahydrocannabinols. Third degree offenses are punishable by imprisonment for not more than 20 years and/or a fine of not more than \$250,000.

Minn. Stat. § 152.024 Controlled substance crimes in the fourth degree include the sale of a mixture containing a schedule I, II, or III substance, except marijuana and tetrahydrocannabinols; a mixture containing a schedule IV or V substance to a person under the age of 18; and any amount of marijuana or tetrahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility. Fourth degree crimes also include possession of 10 or more dosage units of a mixture containing phencyclidine or hallucinogen; and possession of a mixture containing a schedule I, II, or III substance (other than marijuana and tetrahydrocannabinols) with intent to sell the substance. Fourth degree offenses are punishable by imprisonment for not more than 15 years and/or a fine of not more than \$100,000.

Minn. Stat. § 152.025 Controlled substance crimes in the fifth degree include the sale of a mixture containing marijuana or tetrahydrocannabinols and sale of a mixture containing a schedule IV substance. Fifth degree crimes also include possession of a mixture containing a schedule I, II, III, or IV substance, except a small amount of marijuana. Fifth degree offenses are punishable by imprisonment of not more than 5 years and/or a fine of not more than \$10,000. A first offense involving possession of less than 0.25 grams of a controlled substance other than heroin or less than 0.05 grams of heroin is a gross misdemeanor punishable by imprisonment of not more than 1 year and a maximum fine of \$3,000.

Minn. Stat. § 152.027, subd. 4 prohibits the sale or possession of small amounts of marijuana (42.5 grams or less). Violation of this subdivision is a petty misdemeanor and the offender shall be required to participate in a drug education program and may be fined up to \$300.

Minn. Stat. § 152.027, subd. 7(a) prohibits the sale of any amount of kratom or a substance that contains

mitragynine or 7-hydroxymitragynine to a person under the age of 18. A violation is punishable by imprisonment of not more than 1 year and a maximum fine of \$3,000. Minn. Stat. § 152.027, subd. 7(b) prohibits minors from unlawfully possessing any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine. A violation is punishable by imprisonment of not more than 90 days and/or a fine of not more than \$1,000.

The state laws concerning driving under the influence of alcohol (see below) apply equally to driving under the influence of drugs.

State Law Sanctions for Alcohol Offenses. State laws regulating the production, dispensation, possession, and use of alcohol may be found in Chapter 340A of the Minnesota Statutes. State laws prohibit the sale or distribution of alcoholic beverages to any person under the age of 21, or to an obviously intoxicated person. Violation of these laws is punishable by up to 1 year in jail and a \$3,000 fine. Underage drinking carries a minimum fine of \$100. Trying to purchase alcohol with a fake ID can result in a loss of driving privileges for at least ninety (90) days.

Criminal sanctions may also apply to those who operate motor vehicles while under the influence of alcohol and/or drugs. Under Minnesota law, the first conviction for driving while impaired carries a penalty of up to ninety (90) days in jail and a \$1,000 fine. The penalty increases to not more than one year imprisonment and up to a \$3,000 fine if the driver fails to submit to a blood alcohol test. Drivers under the age of 21 cited for any amount of alcohol use while driving will lose their license for 30 days, or 180 days if the person has previously been cited for a similar violation, and face up to a \$1,000 fine and 90 days in jail.

Health Risks

Drugs and alcohol can be highly addictive to the body and can cause harmful effects to virtually every aspect of a person's life, i.e., relationships, family, job, institute, physical, and emotional health. People who use drugs and alcohol may lose their sense of responsibility, become restless, irritable, paranoid, depressed, inattentive, and anxious or experience sexual indifference, loss of physical coordination and appetite, coma, convulsion, or even death. Persons who use drugs and alcohol face not only health risks, but their ability to function in their personal and professional lives can be impaired as well. Some examples of this are a hangover or feeling "burnt out," being preoccupied with plans of the next drink or "high," or slowed reflexes that can be especially dangerous while driving. Alcohol-related driving deaths are the top killer of 15- to 24- year-olds.

Signs that could indicate when someone is in trouble with drugs or alcohol, including:

- abrupt changes in mood or attitude;
- continuing slump at work or school;
- continuing resistance to discipline at home or school;
- inability to get along with friends or family;
- unusual temper flare-ups;
- increased borrowing of money;
- heightened secrecy;
- a complete new set of friends.

Counseling, Treatment and Rehabilitation

Students can obtain drug and alcohol education information and a list of counseling and support services from the Student Care Manager. Employees should contact Human Resources for assistance. Resources for students and employees struggling with alcohol and or substance abuse problems include:

- Alcohol Drug Interventions and Drug Treatment 888-762-3750

- Alcohol and Drug Abuse Hotline 877-737-5230
- Help Hotline for those who live with alcoholics 888-4AL-ANON or 888-425-2666
- Marijuana Anonymous Hotline 800-766-6779