



# Minnesota State Community and Technical College Institutional Policies

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## Policy Title: Alcohol and Drug Free Environment

### **Purpose:**

To provide a drug-free environment for students, employees and visitors at the college.

### **Definitions:**

#### Alcohol

Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behavior on college campuses, including acquaintance rape, vandalism, fights and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

#### Cannabis (Marijuana, Hashish)

The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. Users also experience interference with psychological maturation and temporary loss of fertility. The active ingredient in marijuana, THC, is stored in the fatty tissue of the brain and reproductive system for a minimum of 28 to 30 days.

#### Medical Cannabis

Although some limited use of medical cannabis is now legal in Minnesota under state law, federal law continues to classify its use as illegal, and M State is required to prohibit its use as a condition of receiving federal financial assistance.

#### Hallucinogens

Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. Hallucinogens can cause liver damage, convulsion, coma and even death.

#### Cocaine/Crack

Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

#### Methamphetamines

Methamphetamines, known as speed, meth, ice, glass, etc., have a high potential for abuse and dependence. Taking even small amounts may produce irritability, insomnia, confusion, tremors, convulsions, anxiety, paranoia, and aggressiveness. Methamphetamines are addictive and users can

develop a tolerance quickly so will need more and more to get the same effect. Over time, methamphetamine users may experience symptoms similar to Parkinson's disease, a severe movement disorder. There are many health risks from taking this type of drug. While on the drug, the user may become tense and anxious, and it can leave them feeling depressed, paranoid and tired for days after. Methamphetamines can also cause violent mood swings, and users can become very aggressive. Long-term use can cause paranoia, hallucinations, mental illness and respiratory problems and will put a strain on the heart due to increased blood pressure.

### Amphetamines

Amphetamines can cause a rapid or irregular heartbeat, headaches, depression, damage to the brain and lungs, tremors, loss of coordination, collapse and death. Heavy users are prone to irrational acts.

### Club Drugs

Club drugs, such as MDMA (Ecstasy), Rohypnol, GHB, and Ketamine are used in a nightclub, bar or rave drug scene. They have varying effects and can cause changes to critical parts of the brain.

### Heroin/Narcotics/Opiates

Narcotics such as codeine, heroin or other opiate drugs cause the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

### Steroids

Steroid users experience a sudden increase in muscle weight and an increase in aggression and combativeness. Steroids can cause high blood pressure, liver and kidney damage, heart disease, sterility and prostate cancer.

## **Policy:**

Minnesota State Community and Technical College is committed to providing an environment free of alcohol and illegal drugs for its students, employees and visitors. Therefore, the College prohibits the unlawful possession, use, manufacture, or distribution of controlled substances, including alcohol and illegal drugs, by students and employees on its property, in College or state-owned vehicles, or as part of any of its activities.

### Standards of Conduct

The College standards of conduct prohibit the unlawful possession, use, manufacture or distribution of illegal drugs and alcohol by students and employees at all on-campus activities and off-campus activities that are considered to be school-sponsored. Foreign study programs, field trips, etc., also fall under these requirements.

### Disciplinary Sanctions

The College shall impose appropriate disciplinary sanctions on students and employees found to violate this policy, up to and including expulsion or termination. Individuals who violate this policy may additionally be subject to legal sanctions, including criminal prosecution, under federal, state or local law. Summary information on legal penalties for violating controlled substance law is found below.

Students working as employees are covered while on duty under the employee sanctions; otherwise, they are covered under the student sanctions.

### Policy Distribution

The College distributes the Drug Free Environment Policy by email for new employees at the time of hire and annually thereafter to all employees. The college distributes a copy of the policy to students each semester via their college email account.

## **Responsibilities:**

### Campus Designee

Ensure that College personnel and students know of this policy. Enforce this policy by imposing disciplinary sanctions. Secure pre-approval from the Office of the Chancellor for the serving of alcoholic beverages at college functions as permitted under Minnesota State Board Policy.

### All College employees, including student employees

Abide by the terms of this policy. Notify immediate supervisor of their conviction for a criminal drug statute violation occurring in the workplace no later than five (5) days after such convictions. Requested to report violations to the campus administrator.

### All Students

Abide by the terms of this policy. Requested to report violators to the campus administrator.

## **Resources for Assistance:**

Students and/or employees seeking assistance with an alcohol or drug problem may contact the following resources for assistance:

### State Employee Assistance Program

- Counseling Services 866-477-1586
- Website..... [www.doer.state.mn.us/eap/eap.htm](http://www.doer.state.mn.us/eap/eap.htm)

### Detroit Lakes

- Glenmore Recovery Center..... 218-846-1605
- Alcoholics Anonymous..... 218-844-9970

### Fergus Falls

- Lakeland Mental Health Center..... 218-736-6987
- Alcoholics Anonymous..... 218-739-9887

### Moorhead

- Clay County Social Services..... 218-299-5200
- Narcotics Anonymous..... 701-234-9330
- Alcoholics Anonymous..... 701-235-7335

### Wadena

- Neighborhood Counseling Center..... 218-631-1714
- Alcoholics Anonymous..... 218-631-3823

# **State and Federal Legal Sanctions Regarding Controlled Substances:**

## **Minnesota Alcohol Violation Sanctions**

### *Driving Under the Influence:*

It is illegal to drive, operate or be in physical control of motor vehicle while under the influence of alcohol and/or a controlled or hazardous substance or with a blood-alcohol concentration of 0.08 or more. "Operate" or "in physical control" includes starting the motor, steering or being in position to control a vehicle, including simply sitting or sleeping in a parked vehicle.

#### *PENALTY:*

*First offense (including juvenile convictions):* misdemeanor – fine up to \$700, jail up to 90 days, driver's license revocation of at least 30 days.

*Second offense within 5 years or 2 or more convictions within 10 years:* gross misdemeanor – fine up to \$3,000, jail up to one year, driver's license revocation of at least 30-90 days and possible chemical dependency treatment.

*Three or more offenses:* longer period of revocation.

### *Minors in Possession/Consumption:*

Persons *under 21 years of age* consuming or possessing alcoholic beverages with intent to consume, unless the person is in a parent or guardian's home and drinks with their permission. Possession anywhere other than a parent or guardian's home is prima facie evidence of intent to consume.

*PENALTY:* Misdemeanor

### *Selling or Purchasing for a Minor:*

Selling, bartering, furnishing or giving alcoholic beverages to a person under 21 years old (except parents in their home).

*PENALTY:* Gross misdemeanor.

### *Civil Liability:*

Possible civil liability for damages caused by the person under 21 while under the influence.

Anyone under 21 years of age who purchases or attempts to purchase an alcoholic beverage or claiming to be 21 or older for the purpose of purchasing alcoholic beverages.

*PENALTY:* Misdemeanor.

Drivers license suspension of 90 days if a driver's license, permit or Minnesota identification is used in making or attempting the purchase.

This includes a person under 21 years of age purchasing or procuring alcoholic beverages or lending to or permitting use of identification by a person under the age of 21 for the purpose of purchasing or attempting to purchase alcoholic beverages.

*PENALTY:* Gross misdemeanor. Driver's license suspension of 90 days.

*NOTE:* Penalties can change with each legislative session. Municipalities and counties may also have ordinances that regulate gatherings and have specific penalties for violation.

## Minnesota Drug Sanctions

### *Schedule Drugs (I-V)*

- I. Heroin, LSD, mescaline and peyote, amphetamine variants, marijuana, other hallucinogens.
- II. Opium, morphine, codeine, methadone, cocaine, barbiturates.
- III. Anabolic steroids, opium, methadone, cocaine, barbiturates.
- IV. Barbiturates, benzodiazepines, choral hydrate, other narcotics, stimulants and depressants.
- V. Opium, codeine, other narcotics and depressants.

### *First Degree*

- Sale:** 10+ grams of cocaine, 50+ grams of other narcotic drug, 200+ doses hallucinogen, 50 kilos marijuana or 25+ kilos marijuana in a school zone, park zone or public housing zone.
- Possession:** 25+ grams of cocaine, 500+ grams of other narcotic drug, 500+ doses hallucinogen, 100+ kilos marijuana.
- PENALTY:** 0-40 years, 4-year mandatory minimum if prior drug felony; up to \$1 million fine, 0 to 40 years, 2<sup>nd</sup> offense.

### *Second Degree*

- Sale:** 3+ grams of cocaine, 10+ grams of other narcotic drug, 50+ doses hallucinogen, 25 kilos marijuana or sale of a Schedule I or II narcotic drug of 5+ doses hallucinogen or methamphetamine either to a person under 18 or in a school zone, park zone or public housing zone.
- Possession:** 6+ grams of cocaine, 50+ grams of other narcotic drug, 100+ doses hallucinogen, 50+ kilos marijuana
- PENALTY:** 0 to 40 years, 3 years mandatory minimum if prior drug felony; up to \$500,000 fine.

### *Third Degree*

- Sale:** Narcotic drug: 10+ doses hallucinogen, 5+ kilos marijuana or sale of a Schedule I, II or III (except a Schedule I or II narcotic drug or marijuana) to a person under 18 or employment of person under 18 to sell the same.
- Possession:** 3+ grams cocaine, 10+ grams of other narcotic drug, 10+ kilos marijuana, and any amount of Schedule I or II narcotic drug or LSD or methamphetamine or 5+ kilos in a school zone, park zone or public housing zone.
- PENALTY:** 0 to 30 years, 2-year mandatory minimum if prior drug felony; up to \$250,000 fine. 0 to 30 years, 2<sup>nd</sup> or subsequent offense.

### *Fourth Degree*

- Sale:** Any Schedule I, II or III drug (except marijuana) or sale of marijuana in a school zone, park zone or public housing zone or any Schedule IV or V drug to a person under 18 or conspiracy for the same.
- Possession:** 10 doses hallucinogen, any amount of Schedule I, II or III drug (except

marijuana) with intent to sell it.  
PENALTY: 0 to 30 years, 1 year mandatory minimum if prior drug felony; up to \$100,000 fine.

#### *Fifth Degree*

Sale: Marijuana or a Schedule IV drug.  
Possession: All Schedule I, II, III or IV drugs except 42.5 grams or less of marijuana. Any prescription drugs obtained through false pretenses or forgery.  
PENALTY: 0 to 5 years, 6 months mandatory minimum if prior drug felony; up to \$10,000 fine.

#### *Small Amounts of Marijuana*

- For the possession of up to 1.4 grams of marijuana the person is guilty of a petty misdemeanor including a fine of \$200 and required attendance at an approved drug education program.
- Second conviction of possession of a small amount of marijuana results in a misdemeanor and possible drug treatment. Possession of 1.4 grams or less of marijuana in an automobile is a misdemeanor.

## **Federal Controlled Substance Sanctions**

### *Schedule I Drugs (Penalty for possession):*

*First Offense:* 0 years to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual

*Second Offense:* 0 years to life, 20 years mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than individual.

### *Schedule II Drugs (Penalty for possession):*

*First Offense:* 5 years to 40 years, 5 year mandatory minimum; if death or serious injury, 20 years minimum; up to \$2 million fine individual, \$10 million other than individual.

*Second Offense:* 0 years to life, 10 years mandatory minimum; if death or serious injury, not less than life; up to \$4 million fine individual, \$10 million other than individual.

### *Schedule I or II Controlled Drugs (Penalty for possession):*

*First Offense:* 0 to 20 years; if death or serious injury, 20 years minimum, not more than life; up to 1 million fine individual, \$5 million other than individual.

*Second Offense:* 0 to 30 years; if death or serious injury, not less than life; up to \$2 million fine individual, \$10 million other than individual.

### *Schedule III Drugs (Penalty for possession):*

*First Offense:* 0 to 5 years, up to \$250,000 fine individual, \$1 million other than individual.

*Second Offense:* 0 to 10 years; up to \$500,000 fine individual, \$2 million other than individual.

### *Schedule IV Drugs (Penalty for possession):*

*First Offense:* 0 to 3 years, up to \$250,000 fine individual, \$1 million other than individual.

*Second Offense:* 0 to 6 years; up to \$500,000 fine individual, \$2 million other than individual.

### *Schedule V drugs (Penalty for possession):*

*First Offense:* 0 to 1 year; up to \$100,000 fine individual, \$250,000 other than individual

*Second Offense:* 0 to 2 years; up to \$200,000 fine individual, \$500,000 other than individual.

*Miscellaneous Penalties:*

- 21 U.S.C. 853(a)(2) and 881 (a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment.
- 21 U.S.C. 881 (a)(4): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
- 21 U.S.C. 844 (a): Civil fine of up to \$10,000 (pending adoption of final regulations).
- 21 U.S.C. 853 (a): Denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses up to one year for first offense, up to five for second and subsequent offenses.
- 18 U.S.C. 922 (g): Ineligible to receive or purchase a firearm.

*Associated Policies:*

State of Minnesota Prohibition of Alcohol and Drug Use by State Employees  
Minnesota State Board Policy 5.18 Alcoholic Beverages or Controlled Substances on Campus  
Drug-Free Schools and Campuses Act Amendments of 1989  
Drug-Free Workplace Act of 1988  
M State Bystander Policy  
M State Amnesty Policy

*Associated Procedures:*

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## **Policy History:**

*Policy Owner:* Chief Human Resource Officer

*Policy Author:* Dacia Johnson/Shawn Anderson

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*Date of Implementation:* 7/31/2012

*Date and Subject of Revision:* 7.31.12; updated policy; 7.31.17 updates: MnSCU to Minn State, contacts, definitions, format, and associated policies; 11.29.18 update to title

Policy Group Assignment: College Organization & Administration

Procedure Written: Not Needed