



Drug Free Schools and Communities Act
Biennial Review
FY22 & FY23

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INTRODUCTION AND BACKGROUND

The Drug-Free Schools and Communities Act of 1989 Amendments required institutions of higher education to design and implement alcohol and illicit drug programs on their campuses. As a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education has to certify that it has adopted and implemented a program to prevent “the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees” on campus property or as a party of any campus activity.

This legislation directed the colleges:

1. To develop a written policy on alcohol and other drugs.
2. To develop a process that ensures policy distribution to all students, staff and faculty.
3. To enumerate federal, state, or local sanctions for unlawful possession or distribution of illicit drugs and alcohol.
4. To describe health risks associated with alcohol abuse or illicit drug use.
5. To describe college drug and alcohol programs available for students and employees.
6. To specify disciplinary sanctions imposed on students and employees for policy violations.
7. To conduct biennial reviews to assess the effectiveness of their alcohol and drug programs.

At a minimum each institution of higher education must annually distribute the following in writing to all students and employees:

Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. A description of the legal sanctions under local, state, or federal for the unlawful possession or distribution of illicit drugs and alcohol.

A description of short term and long-term health risks related to the use of illicit drugs or the abuse of alcohol.

A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees and students.

A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. The law further requires an institution of higher education to review its program:

1. To determine its effectiveness and implement changes if they are needed; and
2. To ensure that the sanctions developed are consistently enforced.

In compliance with federal legislation, the Drug-Free Schools Act and Communities Review Group of Minnesota State College Southeast has prepared this biennial review.

BIENNIAL REVIEW PROCESS

A review group convened, reviewed the requirements of the Drug-Free Schools Act, and completed a biennial review to comply with the act.

Members represented: Student Affairs, Academic Affairs, and Human Resources.

The committee reviewed components essential to the college’s drug and alcohol program and provided input and information for the production of this report.

The committee consisted of the following individuals:

Kenney White (Committee Chair)
Dean of Students

Ginny Boyum
Interim Vice President of Student Success

Megan Zeches
Chief Human Resource Officer

Cheryl Boone
Assistant to the Vice President of Student Success

Shannon Sullivan
Director of Financial Aid

Christopher Cichosz
Director of Security

Lisa Pozanc
Director of Business and Finance

ANNUAL DISTRIBUTION OF THE DRUG AND ALCOHOL PREVENTION PROGRAMS

Students – In the first week of each academic term, the Dean of Students will email an official notice to all students, providing them with the information for the student handbook and the student conduct code, which included the college’s alcohol and drug prevention information.

Employees – At the beginning of each academic term, the Chief Human Resources Officer (CHRO) or designee will distribute via email an official notice to all employees, providing them with the Minnesota State College Southeast Drug Free Environment policy and procedure. In addition, new employees will receive via email the Minnesota State College Southeast Drug Free Environment policy and procedure at the time of hire.

BIENNIAL REVIEW POLICY AND PROCEDURE

The Biennial Review Policy and Process

It is the policy of the College to conduct a Biennial Review following the guideline below. This review will consist of a review of the College’s drug and alcohol prevention program with the following objectives: (1) determining the effectiveness of the policy and recommending changes to the drug and alcohol prevention program if they are needed; and (2) to ensure sanctions developed are enforced consistently.

The Biennial Review must also include a determination as to: (1) the number of drug- and alcohol- related violations and fatalities occurring on the campus or as a part of activities that are reported to campus officials; and (2) the number and type of sanctions imposed on students or employees as a result of such violations or fatalities.

The Biennial Review Procedure and Timeline

Biennial Review Period: Fall 2021 – Spring 2023 (covers academic years 2021-2022 and 2022-2023)

August 2023 - The Drug-Free Schools and Communities Act Biennial Review for FY22 and FY23 will be published on the College website and the college community will be notified via email, with a link to the report, that the report is available. The email will also indicate that the report is available in an alternative format and how to make a request. This notification will be sent by the Dean of Students.

GENERAL CONCLUSION

Minnesota State College (MSC) Southeast appears to be in full compliance with federal legislation. MSC Southeast has developed and maintains a drug prevention policy. MSC Southeast distributes the drug-free policy annually to all students, faculty and staff through the Annual Security Report. The drug-free policy is also distributed to all students through the Student Handbook website. MSC Southeast provides services and activities that promote a drug-free campus environment, as well as tracks the number of alcohol and drug-related offenses, applicable sanctions and referrals.

COLLEGE COMPLIANCE WITH FEDERAL LEGISLATION

MSC Southeast acknowledges its legal obligation to conduct a biennial review of compliance with the Drug- Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the college fulfills the requirements of the aforementioned Federal regulations.

The intention of this document is to meet the legal requirements of conducting a biennial review.

POLICY TITLE: DRUG-FREE ENVIRONMENT

Purpose:

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

Definitions:

For more complete information on the health effects of substances please visit:

<https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>

Alcohol – Alcohol can cause disruptions in mood and behavior, cardiomyopathy, arrhythmias, stroke, high blood pressure, liver diseases such as fibrosis, steatosis, hepatitis, cirrhosis; pancreatitis, increase cancer risk for mouth, lung, heart, throat, liver and breast cancer. Alcohol is addictive and can cause death.

Cocaine - A powerfully addictive stimulant drug made from the leaves of the coca plant native to South America. Can cause narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy, alertness; insomnia, restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, and coma.

MDMA/Molly/Ecstasy - A synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. MDMA is an abbreviation of the scientific name 3, 4-methylenedioxy-methamphetamine. Can cause lowered inhibition; enhanced sensory perception; confusion; depression; sleep problems; anxiety; increased heart rate and blood pressure; muscle tension; teeth clenching; nausea; blurred vision; faintness; chills or sweating; sharp rise in body temperature leading to liver, kidney, or heart failure and death.

Methamphetamine - An extremely addictive stimulant amphetamine drug. Can cause Increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat. Other effects include anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems (“meth mouth”), and intense itching leading to skin sores from scratching.

Marijuana - THC is the psychoactive chemical in this plant. It can cause increased heart and pulse rate, increased appetite, an altered sense of time, impaired memory and decreased concentration, reaction time and coordination.

Synthetic Cannabinoids - A wide variety of herbal mixtures containing man-made cannabinoid chemicals related to THC in marijuana but often much stronger and more dangerous. Sometimes misleadingly called “synthetic marijuana” and marketed as a “natural,” “safe,” legal alternative to marijuana. Can cause increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, paranoia; increased blood pressure and reduced blood supply to the heart; and heart attack.

Synthetic Cathinones/Bath Salts - An emerging family of drugs containing one or more synthetic chemicals related to cathinone, a stimulant found naturally in the khat plant. Examples of such chemicals include mephedrone, methylone, and 3, 4-methylenedioxy-pyrovalerone (MDPV). Can cause increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; psychotic and violent behavior; nosebleeds; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; suicidal thoughts; panic attacks; reduced motor control; and cloudy thinking.

Hallucinogens - This classification of psychoactive drugs include LSD, Psilocybin, Ketamine, Saliva, Peyote, PCP, and other amphetamine based derivatives. Use of these drugs can create visual hallucinations, altered perception of one’s own body, agitation, paranoia, and hyperactivity.

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Heroin - An opioid drug made from morphine; a natural substance extracted from the seed pod of the Asian opium poppy plant. Can cause euphoria; warm flushing of skin; dry mouth; heavy feeling in the hands and feet; clouded thinking; alternate wakeful and drowsy states; itching; nausea; vomiting; slowed breathing and heart rate. Other health effects: collapsed veins; abscesses (swollen tissue with pus); infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia.

Prescription Opioids - Pain relievers with an origin similar to that of heroin. Opioids can cause euphoria and are often used nonmedically, leading to overdose deaths. Can cause pain relief, drowsiness, nausea, constipation, euphoria, confusion, slowed breathing, and death.

Prescription Sedatives - Medications that slow brain activity, which makes them useful for treating anxiety and sleep problems. Can cause Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood

pressure, and slowed breathing.

Prescription Stimulants - Medications that increase alertness, attention, energy, blood pressure, heart rate, and breathing rate. May cause increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages. High doses can lead to dangerously high body temperature and irregular heartbeat; heart failure; and seizures.

Solvents/Inhalants - Solvents, aerosols, and gases found in household products such as spray paints, markers, glues, and cleaning fluids; also, nitrites (e.g., amyl nitrite), which are prescription medications for chest pain. This activity brings about a feeling of light-headedness, euphoria, loss of appetite, forgetfulness, headache, nausea, flush, dizziness and possibly death by heart or respiratory failure.

Tobacco - Plant grown for its leaves, which are dried and fermented before use. Can greatly increase risk of cancer, especially lung cancer when smoked and oral cancers when chewed. Other effects include chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia.

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 College Southeast is committed to the maintenance of drug-free campuses. Students and employees are prohibited from the unlawful manufacture, distribution, giving out, possession, or use of any narcotic drug, amphetamine, barbiturate, marijuana, alcohol, or any controlled substance while on campus or in any workplace that is under the jurisdiction of the College.

In addition, MSC Southeast has in place a detailed and comprehensive Student Code of Conduct policy which includes the prohibition of the possession, sale, distribution, or use of alcoholic beverages or controlled substances that violate the law. In addition, the use of alcohol on college property or at any college-related event, except when official approval has been granted to serve and consume alcohol and the use of any controlled substance on college property is prohibited. The drug-free policy is annually distributed to all MSCS students via the college's student handbook, the college website, and via the student e-mail. Information on the dangers of the misuse of alcohol and drugs is included in the annual communication. The Student Code of Conduct is annually distributed to all MSCS students via the college's student handbook and college website.

Standards of Conduct

The College standards of conduct prohibit the unlawful possession, use, manufacture or distribution of illegal drugs, marijuana and alcohol by students and employees at all on-campus activities and off-campus activities that are considered to be school-sponsored., athletic teams, sports club, Student Senate, student organizations and groups, member of a MSC Southeast group, delegation, field trips, etc., also fall under these requirements.

Disciplinary Sanctions

MSC Southeast 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 may be held accountable under employee sanctions while on duty. They may additionally be held accountable under the student sanctions.

Policy Distribution

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

Responsibilities:

Campus Designee (Human Resources and Dean of Students)

Ensure that MSC Southeast 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 Human Resources.

All Students

Abide by the terms of this policy. Requested to report violators to the Dean of Students.

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

1-800-657-3719

<https://mn.gov/mmb/segip/health-and-wellbeing/eap/>

Winona and Red Wing Area Substance Abuse Resources

Winona Health

507-454-3650

Hiawatha Valley Mental Health Center

507-454-4341 (Winona), 651-327-2270 (Red Wing)

Common Ground MN

507-281-0023

Crisis Response, Southeast Minnesota

1-844-274-7472

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 a person under 21 while under the influence.

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

PENALTY: Misdemeanor.

Driver's 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, and 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, 2nd 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, 2nd 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: 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.

Federal Controlled Substance Sanctions

Schedule I Drugs (Penalty for possession):

First Offense: 0 years to life, 10 years mandatory minimum; if death or serious injury, 20 years 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 years 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 \$500,00 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

MINNESOTA STATE COLLEGE SOUTHEAST STUDENT CODE OF CONDUCT

Student Code of Conduct (as published on the college website)

The Minnesota State College Southeast Student Code of Conduct is published on the College's website, here

Student Code of Conduct

[MSC Southeast - Policy 113 - Student Code of Conduct](#)

Notification of the Student Code of Conduct is provided annually to all students via their college issued email address.

The Minnesota State College Southeast Student Code of Conduct eventides several areas that support the Drug-Free Policy Student Code of Conduct:

College Rules - Violating Minnesota State Board policy and published College policies, rules or regulations or violating other College department regulations that have been posted or publicized. Provisions contained in the College documents shall be deemed "rules" under this code.

Violations of Law - Violations of local, state or federal law on college property or off college property when such a violation poses a threat to the safety or welfare of the college community or disrupts the operations of the college.

Controlled Substances - Use, possession or distribution of any controlled substance or drugs and/or drug paraphernalia.

Alcohol - Public intoxication or use, possession or distribution of alcoholic beverages except as expressly permitted by law and college regulations.

Health Risks

For more complete information on the health effects of substances please visit: [Health effects of substances](#).

<https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>

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Hallucinogens - This classification of psychoactive drugs include LSD, Psilocybin, Ketamine, Saliva, Peyote, PCP, and other

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Prescription Sedatives - Medications that slow brain activity, which makes them useful for treating anxiety and sleep problems. Can cause Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, and slowed breathing.

Prescription Stimulants - Medications that increase alertness, attention, energy, blood pressure, heart rate, and breathing rate. May cause increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages. High doses can lead to dangerously high body temperature and irregular heartbeat; heart failure; and seizures.

Solvents/Inhalants - Solvents, aerosols, and gases found in household products such as spray paints, markers, glues, and cleaning fluids; also, nitrites (e.g., amyl nitrite), which are prescription medications for chest pain. This activity brings about a feeling of light-headedness, euphoria, loss of appetite, forgetfulness, headache, nausea, flush, dizziness and possibly death by heart or respiratory failure.

Tobacco - Plant grown for its leaves, which are dried and fermented before use. Can greatly increase risk of cancer, especially lung cancer when smoked and oral cancers when chewed. Other effects include chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia.

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

MINNESOTA CONTROLLED SUBSTANCES SANCTIONS

Minnesota Alcohol Violation Sanctions

Driving Under the Influence

It is illegal to drive, operate, or be in physical control of a motor vehicle while under the influence of alcohol and/or a controlled or hazardous substance. A blood alcohol level of 0.08 or more is considered intoxicated. "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. It is illegal for persons under the age of 21 to drive, operate, or be in physical control of a motor vehicle, regardless of the degree of intoxication and blood alcohol level.

Minnesota state law imposes stiff criminal and administrative sanctions on persons who are convicted of driving under the influence of alcohol and/ or a controlled or hazardous substance. Administrative sanctions for driving under the influence convictions can include driver's license suspension, revocation, cancellation, denial, or disqualification. If convicted of driving under the influence, criminal penalties range from a misdemeanor to a felony, including potential jail time and/or fines of up to \$14,000.

Minnesota law - driving while impaired, including underage drinking and driving (<https://www.revisor.mn.gov/statutes/cite/169a>)

Minors in Possession/Consumption

It is a violation of Minnesota state law for anyone under the age of 21 to consume alcohol, purchase or attempt to purchase alcoholic beverages or enter a licensed liquor establishment to purchase or be served alcoholic beverages. Additionally, it is against the law for anyone under the age of 21 to misrepresent their age, attempt to use another's driver's license or false identification to gain entry into a liquor establishment, or purchase alcoholic beverages.

Minnesota law - underage alcohol offenses (<https://www.revisor.mn.gov/statutes/cite/340A.503>)

Selling or Purchasing for a Minor

Selling, bartering, furnishing, or giving alcoholic beverages to a person under 21 years of age is a gross misdemeanor offense with a maximum penalty of 0-1-year imprisonment and/or \$3,000 fine.

Minnesota law - violations and penalties related to liquor laws (<https://www.revisor.mn.gov/statutes/cite/340A>)

Civil Liability

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

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

Minnesota law - civil actions (<https://www.revisor.mn.gov/statutes/cite/340A.801>)

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, and 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: 17+ grams cocaine, methamphetamine, 10+ grams heroin, 50+ grams of other narcotic drug, 200+ doses hallucinogen, 25 kilos marijuana.

Possession: 50+ grams cocaine, methamphetamine, 25+ grams heroin, 50 kilos marijuana, or 500+ marijuana plants.

PENALTY: 0-30 years, 4 years minimum if prior drug felony; up to \$1 million fine. Imprisonment to 86 to 158 months.

Second Degree

Sale: 10+ grams any narcotic drug other than heroin, 3+ grams heroin, 50+ doses hallucinogen, 10+ kilos marijuana, or sale of Schedule I or II narcotic drug either to a person under 18 or in a school zone, park zone, public housing zone, or drug treatment center.

Possession: 25+ grams cocaine, methamphetamine, 6+ grams heroin, 50+ grams of other narcotic drug, 100+ doses hallucinogen, 25+ kilos marijuana, or 100+ marijuana plants.

PENALTY: 0-25 years, 3 years minimum if prior drug felony; up to \$500,000 fine. Imprisonment to 48 to 108 months.

Third Degree

Sale: Any amount of narcotic drug, 10+ doses hallucinogen, 5+ kilos marijuana, or sale of any Schedule I or II drug or marijuana to a person under 18 or employment of a person under 18 to sell same, any amount of cocaine or heroin.

Possession: 10+ grams of any narcotic drug other than heroin, 3+ grams heroin, 10+ grams of other narcotic drug, 10+ kilos marijuana, and 5 doses of a Schedule I or II narcotic drug in a school zone, park zone, public housing zone, or drug treatment center.

PENALTY: 0-20 years, up to \$25,000 fine.

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 of hallucinogen, any amount of Schedule I, II, or III controlled substance (including GHB/not including marijuana) with intent to sell.

PENALTY: 0-15 years, up to \$100,000 fine.

Fifth Degree

Sale: Any Schedule IV drug.

Possession: Any amount of Schedule I, II, III, or IV drugs except 42.5 grams or less of marijuana.

PENALTY: 0-5 years, up to \$10,000 fine.

FEDERAL CONTROLLED SUBSTANCES SANCTIONS

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

A. Denial of Federal Benefits 21 U.S.C. 862

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

B. Forfeiture of Personal Property and Real Estate 21 U.S.C. 853

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

C. Federal Drug Trafficking Penalties 21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

D. Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

FEDERAL DRUG SANCTIONS

SUBSTANCE	AMOUNT	PENALTY - FIRST CONVICTION
Heroin	1 kilo or more	Prison: not less than 10 years, not more than life. Fine: up to \$4 million.
Cocaine	5 kilos or more	
Crack Cocaine	50 grams or more	
Methamphetamine	100 grams or more	
PCP	100 grams or more	
LSD	10 grams or more	
Marijuana	1,000 kilos or more	
N-Phenyl-N-propanamide	400 grams or more	
Heroin	100 - 999 grams	Prison: not less than 5 years, not more than 40 years. Fine: up to \$2 million.
Cocaine	500 - 4,999 grams	
Crack Cocaine	5-49 grams	
Methamphetamine	10-99 grams	
PCP	10-99 grams	
LSD	1-10 grams	
Marijuana	100-1,000 kilos	
N-Phenyl-N-propanamide	40-399 grams	
Amphetamines	Any Amount	Prison: up to 3 years. Fine: up to \$250,000.
Barbiturates	Any Amount	
Marijuana	50-100 kilos	Prison: up to 20 years. Fine: up to \$1 million.
Hashish	10-100 kilos	
Hash Oil	1-100 kilos	
Flunitrazepan (Rohypnol, "roofies", or "roaches")	1 gram	
Marijuana	Less than 50 kilos	Prison: up to 5 years. Fine: up to \$250,000.
Hashish	Less than 10 kilos	
Hash Oil	Less than 1 kilo	
Flunitrazepan (Rohypnol, "roofies", or "roaches")	Less than 30 milligrams	

DISTRIBUTION OF WRITTEN POLICY

MSC Southeast drug and alcohol policies are found in the student handbook as well as in the Annual Security Report published by MSC Southeast and located on their website. All students and employees are notified of this publication's location via an annual email that contains a link to the document on the college website.

Annual Campus Security Report

[MSC Southeast - Campus Security Report](#)

DRUG AND ALCOHOL RELATED VIOLATIONS, FATALITIES, AND SANCTIONS IMPOSED ON STUDENTS AND EMPLOYEES

College drug and alcohol related violations and fatalities as well as sanctions imposed on students or employees as a result of such violations or fatalities are included in the annual security report that is distributed to students and employees.

Annual Campus Security Report

[MSC Southeast - Campus Security Report](#)

DRUG AND ALCOHOL RELATED PROGRAMS

In compliance with the Drug Free Schools and Communities Act, MSC Southeast publishes information regarding the College's sanctions for violations of federal, state, and local laws and related College policy. A complete description is provided in the College's annual notification to students and employees, is available online at:

MSC Southeast Campus Policies

[MSC Southeast - Policy 703 - Alcohol and Drug-Free Campus](#)

REDUCING ALCOHOL AVAILABILITY

MSC Southeast restricts alcohol on campus with rare exceptions and can only be served at the discretion of the MSC Southeast President.

The illegal use, possession, distribution, manufacture or sale of any controlled substance, drugs, or alcoholic beverages is prohibited for individual students and/or student organizations at College events on or off-campus and on travel status when representing MSC Southeast (e.g., as a member of an athletic team, sports club, Student Senate, student organizations and groups, member of a MSCS group, delegation, etc.).

Further restrictions or allowances for legal and responsible use of alcohol may apply to individual students or student groups on travel status, based on the specific program's needs and direction of the faculty or staff supervisors/ advisors.

MSCS's alcohol and other drug policy is comprehensive in scope, the policy clarifies expectations for students off-campus, prohibits disruptive use of alcohol (aimed at student drinking off-campus and causing problems on-campus), and restricts alcohol advertising, among other areas addressed.

We are currently evaluating our drug and alcohol programming and will be implementing new programming opportunities in the coming two years to ensure compliance with the Act.

RESOURCES FOR ASSISTANCE

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

On Campus/College Resources

Dean of Students

Kenney White 507-453-1422

MSC Southeast Mental Health Counselors

[MSC Southeast - Student Health and Wellness](#)

State Employee Assistance Program

Counseling Services

1-800-657-3719

[Employee Assistance Program \(EAP\) / State of Minnesota \(mn.gov\)](#)

Winona and Red Wing Area Substance Abuse Resources

Winona Health

507-454-3650

[Home \(winonahealth.org\)](http://winonahealth.org)

Hiawatha Valley Mental Health Center

507-454-4341 (Winona), 651-327-2270 (Red Wing)

[Hiawatha Valley Mental Health Center](#)

Common Ground MN

507-281-0023

[Common Ground](#)

Crisis Response, Southeast Minnesota

1-844-274-7472

[Southeast Regional Crisis Center](#)

RECOMMENDATIONS

- Continue to monitor and update Community Resources in various college publications and webpages to reflect changes in service providers available in our campus communities.
- Continue to identify and explore opportunities for collaborations for additional alcohol and other drug prevention and education opportunities in all of our campus communities.
- Restrict the marketing and promotion of alcohol and tobacco at MSC Southeast by developing a campus related to the advertising, sponsorship, and promotion of alcohol and/or tobacco products.
- Create a health promotion normative environment by developing marketing initiatives and programming efforts that focus on health choices and well-being.
- Catalogue the academic courses offer that related to educated students on the effects of alcohol, tobacco, and other drugs.