

# **Red Lake Nation College**



## **Drug and Alcohol Abuse Prevention Program (Part 86) 2017-2018**

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## Introduction

The Drug Free Schools and Communities Act Amendments of 1989 requires an institution of higher education to certify to the U.S. Department of Education, that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees in order to be eligible for federal financial assistance of any kind.

The rules and regulations of Red Lake Nation College prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees in buildings, facilities, grounds, or other property owned and/or controlled by Red Lake Nation College or as part of College activities. In addition, as set forth in state, tribal, and federal laws of drugs and alcohol any person in violation will be subject to the appropriate laws and penalties.

## Standards of Conduct

The Red Lake Nation College is committed to a standard of conduct which prohibits the unlawful possession, use, or distribution, or manufacture of illegal drugs and/or alcohol by students and employees on campus premises as well as any college sponsored activity or events on or off campus. The unlawful use of drugs or alcohol is inconsistent with the behavior expected of members of the RLNC community. Violations of this policy may result in criminal action as well as disciplinary action.

### Students

The use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an unauthorized manner is strictly prohibited and may result in disciplinary action up to, and including, expulsion.

### Employees

While at work, each RLNC employee has a responsibility to deliver service in a safe, efficient, and conscientious manner. Therefore, the use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an unauthorized manner is strictly prohibited and may result in disciplinary action up to, and including, termination.

## Updates

This document is designed to be an annual document and a notice will be sent out to inform prospective, new, and returning students and employees of the annual publication. However, updates may be necessary due to the changing of State, Tribal and Federal laws, or changes to Red Lake Nation College policy. For the most recent publication of this document, please see the Red Lake Nation College website: [www.rlnc.education](http://www.rlnc.education).

## Legal Sanctions Under Federal, State, and Tribal Law

Local, state, tribal, and federal laws provide for a variety of legal sanctions for the unlawful possession of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

### Federal Sanctions

Controlled substance convictions under federal laws carry penalties ranging from up to one year imprisonment and a minimum fine of \$1,000 for simple possession to up to life imprisonment and a minimum fine of \$2,000,000 for an individual engaging in a continuing criminal enterprise. Federal controlled substance convictions also can lead to forfeiture of both real and personal property; the denial of federal benefits, such as grants and student loans; and the denial of federally-provided or supported professional and commercial licensures. The seriousness of the offense and the penalty imposed generally depends on the type and amount of the drugs involved.

Provisions of the federal Controlled Substances Act, 21 U.S.C. 801 et al:

<https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

Federal trafficking penalties: <https://www.dea.gov/druginfo/ftp3.shtml>

### State of Minnesota Laws and Sanctions

Controlled substance convictions under Minnesota laws carry penalties including a prison sentence for not more than 30 years and a maximum fine of \$1,000,000 for sales and possession crimes. Subsequent controlled substance convictions result in commitment to the commissioner of corrections for four to 40 years and a maximum fine of \$1,000,000.

Minnesota controlled substances laws and sanctions:

<https://www.revisor.mn.gov/statutes/?id=152>

### Misuse of Alcohol

The misuse of alcohol also can result in criminal penalties under Minnesota laws. Anyone under 21 years of age is guilty of a misdemeanor and subject to a minimum fine of \$100 if convicted of purchase, possession, or consumption of alcohol or misrepresentation of age in order to purchase alcohol. Anyone who provides alcohol to individuals under 21 years of age is also subject to criminal sanctions.

Minnesota law – underage alcohol offenses: <https://www.revisor.mn.gov/statutes/?id=340A.503>

Minnesota law – violations and penalties related to liquor laws:

<https://www.revisor.mn.gov/statutes/?id=340A>

### Driving Under the Influence

In addition, Minnesota state law imposes stiff penalties on individuals who are convicted of driving under the influence of alcohol, a controlled substance, or a hazardous substance. For example, a felony conviction of first-degree driving while impaired carries penalties of imprisonment for not

more than seven years and a minimum fine of \$14,000. Administrative penalties for driving under the influence convictions include driver’s license suspension, revocation, cancellation, denial, or disqualification.

Minnesota law – driving while impaired, including underage drinking and driving:

<https://www.revisor.mn.gov/statutes/?id=169A>

### Red Lake Nation

The Red Lake Reservation is not unlike many reservations where prohibition of liquor is still the law. Under the laws of the Red Lake Band, it is illegal for consumption, sale or possession of alcohol for any person. While under the influence of alcohol, it is illegal to drive, or operate an ATV, boat or snowmobile much like all states and tribes across the nation. Under Red Lake Nation Tribal Code, the maximum for alcohol or drug offenses are up to \$5,000 and/or one year in jail.

504.08	Liquor – Possession, transportation, or manufacture	Petty misdemeanor
504.08	Liquor - Sale	6-month mandatory sentence
508.09	Contributing to Delinquency of Minor	Gross misdemeanor
600.02	Driving While Under the Influence	Gross misdemeanor
518.05	Unlawful Sale of Controlled Substances	1-year sentence \$5,000 fine
518.06	Unlawful Possession of Controlled Substances	1-year sentence Up to \$5,000 fine
518.07	Unlawful Administration of a Controlled Substance	6-month sentence \$1,000 fine Possible referral for psychological evaluation and chemical abuse evaluation
518.08	Unlawful Manufacture of Controlled Substances	1-year sentence \$5,000 fine
518.09	Unlawful Transportation of Controlled Substances	1-year sentence \$5,000 fine
518.10	Unlawful Sale of Marijuana	3 months – 1-year sentence \$1,000-\$5,000 fine
518.11	Unlawful Possession of Marijuana	Up to 3-month sentence \$1,000 fine
518.12	Unlawful Possession of Drug Paraphernalia	Up to 30-day sentence \$500 fine
518.13	Child endangered by prohibited drug activity	Up to 1-year sentence Up to \$3,000 fine

## Health Risks

The abuse of alcohol and/or drugs is harmful to one’s physical, mental, and social well-being. Accidents and injuries are more likely to occur if alcohol and drugs are used. Alcohol and drug users can lose resistance to disease and destroy their health. Tolerance and psychological dependence can develop after sustained use of drugs.

Drug Type	Common Name	Health Risks
<b>Alcohol</b>	Booze, beer, wine, coolers, liquor	High blood pressure, higher risk of sexually transmitted diseases & unplanned pregnancy, depression, lowered resistance to disease, insomnia
<b>Marijuana</b>	Grass, reefer, pot, weed	Damage to heart, lungs, brain, lung cancer, decreased motivation, depression, paranoia, impaired memory
<b>Steroids</b>	Anabolic/Androgenic (roids, juice)	High blood pressure, liver and kidney damage, acne, atrophy of testes, breast enlargement in men, breast reduction in women, aggressiveness, mood swings
<b>Solvents-Inhalants</b>	Acetone, freons, nitrous oxide	Heart failure, respiratory arrest, liver and brain damage
<b>Depressants</b>	Alcohol, ludes, barbiturates	Liver damage, convulsions, depression, disorientation, insomnia
<b>Hallucinogens</b>	PCP, LSD, angel dust, mushrooms	Agitation, extreme hyperactivity, reduced eating, flashbacks
<b>Stimulants</b>	Cocaine, crack, amphetamines, diet pills	Headaches, depression; malnutrition, anorexia, strokes, seizures
<b>Narcotics</b>	Smack, codeine, heroine, lords	Respiratory arrest, sleepiness, organ and lung damage, nausea
<b>Tobacco</b>		Lung cancer, emphyzema, oral cancer

## Drug/Alcohol Counseling and Rehabilitation Programs

The Red Lake Nation Chemical Health Programs are available to all Red Lake Tribal Band Members through drug abuse prevention, education, intervention, and treatment. All programs are based in Anishinaabe culture and philosophy to strengthen the minds, bodies, and spirits of Red Lake Reservation members, families, and communities. They provide a wide variety of services. More information can be found on their website: <http://www.redlakenation.org/tribal-programs/health-services/chemical-health> or by contacting:

Red Lake Chemical Health Programs  
P.O. Box 114  
Red Lake, MN 56671  
(218) 679-3995  
[chemicalhealth@redlakenation.org](mailto:chemicalhealth@redlakenation.org)

In addition, Red Lake Nation College Student Success Department is available to assist students with referrals and appointments with Chemical Health and other services available in surrounding communities. Drug and Alcohol Awareness Programs and Activities are scheduled throughout the year and published on the RLNC website. These activities are available to students, staff, and community members. Please see the Vice President of Student Success or one of the Student Success Counselors for more information or to set up a meeting.

The following toll-free numbers may also be used for help or advice:

Program	Phone Number	Hours of Operation
Substance Abuse and Mental Health Services Administration	1-800-662-HELP (4357)	24/7 Year-round
National Suicide Prevention Lifeline	1-800-273-TALK	24/7

## Institutional Disciplinary Sanctions

Red Lake Nation College will impose disciplinary sanctions on students and employees in accordance with applicable policies, including, but not limited to: suspension, expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Red Lake Nation College shall, within the scope of applicable federal and state due process requirements, take such administrative or disciplinary action as is appropriate for violations of the Drug and Alcohol Abuse Prevention Policy, RLNC Policy, and applicable law. In the event that a violation is also a violation of federal, state, or tribal law, RLNC may decide to proceed or delay its own disciplinary processes.

### Students

Appropriate disciplinary actions will be enforced upon any student who has been found guilty of violation of regulations governing students at Red Lake Nation College. In compliance with the standards of conduct the following sanctions are consistent with Tribal, State and Federal laws, and may be imposed for violation of the standards of conduct cited in this policy. These standards may include, but are not limited to:

- Warning
- Loss of privilege

- Restitution
- Mandatory participation in an approved drug/alcohol abuse treatment, rehabilitation and/or re-entry program
- Probation
- Suspension
- Dismissal
- Where appropriate, referral for prosecution may be made. One or more other sanctions may be imposed for violation of College regulations in relation to the offense.

For more information on the disciplinary procedures and due process, please see the Student Code of Conduct Policy in the Student Handbook.

### Employees

Red Lake Nation College conducts drug and alcohol testing in the following circumstances:

- Pre-employment
- Reasonable Suspicion
- Post-accident
- In the event of confirmation of prohibited possession, use, or distribution by an employee, administrative or disciplinary action may include, but is not limited to: verbal warning, written warning, decision-making leave, suspension, termination, successful completion of an appropriate rehabilitation program, and/or arrest or referral to the appropriate law enforcement agency.
- If the employee engages in driving as part of his/her job-related duties, such privilege may be revoked.

For more information on the drug-testing policy and disciplinary procedures, please see the Personnel Policies and Procedures Manual.

### Visitors

Any visitor engaging in any act prohibited by RLNC policy shall be called on to immediately cease such behavior and shall be subject to other sanctions, including referral to law enforcement officials for arrest or prosecution.

### Notice of Drug Conviction

Any student convicted of any drug-related criminal statute while receiving federal financial aid must notify in writing the Director of Student Records, no later than five (5) days after such conviction. Under federal and state laws, any student convicted of a drug-related offense while receiving federal financial aid must be denied all federal and state assistance, including Pell Grants. For more information, see the RLNC Catalog and Student Handbook.

## **Distribution of Drug and Alcohol Prevention Program**

The Red Lake Nation College will provide annually to each employee and each undergraduate student, a notification of the web link containing the annual report and instructions on how to receive a printed copy.

The Drug and Alcohol Abuse Prevention Program printed materials are distributed to each student as a part of RLNC's Consumer Information. Any student who enrolls at the College will receive the Consumer Information as a part of the application packet. Additionally, the Annual Drug and Alcohol Prevention Program materials will be located on the RLNC website. Students will receive a notice sent to their school email address with the exact electronic address and link to access this information.

The Drug and Alcohol Prevention Program printed materials are provided to each faculty and staff member through the same annual notification. New employees are provided with Consumer Information during a new hire training session. Applicants for hire are directed to RLNC's website for the Consumer Information.

## **Biennial Review**

The Vice President of Student Success, in collaboration with the Human Resources Director, will conduct a biennial review of the RLNC Drug and Alcohol Prevention Program to determine effectiveness, implement necessary changes and ensure that disciplinary sanctions are enforced. All biennial review documentation will be located in Student Success Office. A copy of the Drug and Alcohol Prevention Program and the results of the biennial review will be made available upon request to the public and the Secretary of the Department of Education.

## **Effectiveness and Implementation**

The Vice President of Student Success will assess the effectiveness of documented mandatory alcohol/drug treatment referrals for students, documented cases of disciplinary sanctions imposed on students, and drug testing results for any student that was conducted by a rehabilitation program.

The RLNC Human Resources Director will assess effectiveness of documented mandatory alcohol/drug treatment referrals for employees, documented cases of disciplinary sanctions imposed on employees, and drug testing results for all employees.

Following this assessment, changes will be implemented and presented to the RLNC Board of Regents for approval of any changes.

## **Enforcement of Disciplinary Sanctions**

The Vice President of Student Success and the Human Resources Director will review the sanctions imposed on students and employees to ensure that the disciplinary sanctions are consistently enforced.

# Appendix A – MN Drug Offender Grid

## 4.C. Drug Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denotes range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subjected to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE							
	0	1	2	3	4	5	6 or more	
<i>Aggravated Controlled Substance Crime, 1st Degree</i> <i>Manufacture of Any Amt. Meth</i>	<b>D9</b>	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	<b>D8</b>	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	<b>D7</b>	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree</i> <i>Failure to Affix Stamp</i>	<b>D6</b>	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	<b>D5</b>	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	<b>D4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	<b>D3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	<b>D2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>D1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

\* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

<sup>1</sup> 12<sup>1</sup>=One year and one day

Presumptive commitment to state imprisonment.

Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.