

# Drug-Free School and Workplace Policy

Aveda 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 Estee Lauder Companies Inc. drug/alcohol free workplace policy, which is incorporated by reference herein.

## ***Standards of Conduct***

The possession, distribution, or consumption of alcoholic beverages is prohibited on all Aveda 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 Institute Minneapolis prohibits unlawful or irresponsible possession, distribution and consumption of alcoholic beverages, regardless of location and regardless of age. Aveda 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 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 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 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 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 to 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 Services 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

# Standard Violations and Internal Complaint Procedure

## Minor Standard Violations

Minor violations include, but are not limited, to the following:

- plagiarism;
- assigned area violations, which is defined as being in an area of the building your educator has not approved;
- guest service violations, including refusing a service ticket unless for a legitimate legal reason, or not following educator instruction;
- dress code violation;
- rude or aggressive language, comments or actions towards students or staff;
- unprofessional behavior; and
- any disruptive behaviors as determined by staff.

Anytime during the student's program, the violation of a minor standard may result in dismissal for the day and repeated violations may result in termination from the program.

The intent of this minor standard violation procedure is to ensure that the student is successful at Aveda Institute Minneapolis and to provide the student with a standard of performance expected within the salon/spa employment industry. If the student has any questions or concerns about meeting these expectations, the student should immediately contact their educator.

\*Aveda Institute Minneapolis reserves the right to expedite any offense to possible dismissal for the day or termination.

## Major Standard Violations

Major standard violations include:

- Using, under the influence of, or in possession of controlled substance or alcohol;
- defacing or destroying property;
- stealing personal or company property;
- falsifying documents or timekeeping;
- threats;
- committing fraud;
- abusing and/or causing physical harm to others;
- harassing or bullying behaviors;
- Aveda product diversion;
- possession of handguns or other weapons; and
- violating local, state, or federal laws

Anytime during the student's program, the violation of a major standard may result in termination. The Director will determine the consequence of the violation. If a student is terminated from a program for a major violation, they will not be considered for reentry into any program.

## Suspensions

The Director determines whether a student's conduct should result in suspension. If a student is suspended, their locker must be vacated immediately upon suspension. Aveda Institute Minneapolis is not responsible for missing items after the student has been suspended. Any items not taken home will become the property of Aveda Institute Minneapolis after five business days from the date of suspension. The institute will donate or dispose of all items left at the institute. When a student returns from a

suspension, they must sign an enrollment contract addendum, and their enrollment contract will be extended by the number of days taken in the suspension.

### **Terminations**

The Director determines whether a student's conduct should result in termination. State sheets must be turned in to the registrar upon the last date of attendance and a two week waiting period will exist before a transcript request can be fulfilled. A fee of \$5.00 will be applied if a transcript request is not made within 30 days from termination. Student tuition account information will be mailed to the student within 10 business days from termination, and the student may be required to complete and return loan exit paperwork if applicable. If a student is terminated from Aveda Institute Minneapolis, they are not eligible to enroll any future programs at the institute.

Student's locker and assigned station must be vacated immediately upon termination. Aveda Institute Minneapolis is not responsible for missing items after the student has been terminated. Any items not taken home will become the property of Aveda Institute Minneapolis after five business days from the date of termination. The institute will donate or dispose of all items left at the institute.

### **Internal Student Complaint Procedure**

The institute will make every attempt to resolve any student complaint that is not frivolous or without merit. Evidence of final resolution of all complaints will be retained in institute files to determine the frequency, nature, and patterns of complaints for the institute.

#### *Complaints regarding Institute*

Students are encouraged to share solutions to challenges that they observe in their classrooms and on the clinic floor with their educator. Student challenge forms are available for this purpose and can be obtained from the educators, the Student Service office, or the admissions' receptionist. Often improvements are made due to the constructive suggestions that are received on these forms. After thoughtfully completing the form, the Challenge Resolution Form must be submitted to the Student Service Manager's office. In order to receive a response, the student's name and student number are required. Once received, solutions will be evaluated and returned by the Director within 10 business days with resolution.

#### *Complaints regarding Policy Decisions, including Student Termination*

If a student is terminated or disagrees with an institute policy decision, they can appeal within 5 business days from the institute's determination on the form provided by the Student Services Manager.

Reasons for which students may appeal a negative determination include death of a relative, an injury or illness of the student, or any other allowable special or mitigating circumstance. The student's appeal must contain the following:

- (1) Reason(s) why the policy determination was incorrect or the student failed to adhere to the policy;
- (2) Reason(s) why the policy determination should be overturned, along with supporting documentation;
- (3) If a Satisfactory Academic Progress (SAP) determination, the appeal must include a response on what has changed about the student's situation that will allow him or her to achieve SAP by the next evaluation point, or if based on the institute's internal academics/attendance policy, what changed about the student's situation that will allow him or her to be successful if granted the appeal to return to school.

Appeal documents will be reviewed by the Director and a decision will be made and reported to the student within 10 business days of the Director's receipt of the appeal. The appeal and decision documents will be retained in the student's file.



The student can also contact the following regulatory agencies:

- National Accrediting Commission of Career Arts & Sciences, Inc. ("NACCAS"), 4401 Ford Ave., Suite 1300, Alexandria, VA 22302-1432, (703) 600-7600;
- The Minnesota Board of Cosmetology, 1000 University Avenue West, Suite 100, St Paul, Minnesota 55104, Telephone: (651) 201-2742, Fax: (651) 649-5702, <https://mn.gov/boards/cosmetology/>; and/or
- The Minnesota Officer of Higher Education, Registration & Licensing, 1450 Energy Park Drive, Suite 350, St. Paul, Minnesota, 55108, (651) 259-3965 or (800) 657-3866, [info.ohe@state.mn.us](mailto:info.ohe@state.mn.us).

The Estee Lauder Companies Inc. is committed to providing a safe and productive environment for all employees and is committed to maintaining a workplace free from the influence of illegal drugs and alcohol. We regard the illegal use of drugs and the abuse of alcohol as serious problems. It is, therefore, the policy of the Company to prohibit the unlawful manufacture, storage, distribution, dispensation, possession, sale or use of alcohol or any controlled substance in the workplace. Reporting to work or working while under the influence of alcohol or illegal drugs is also prohibited. Further, the use of alcohol on Company property is prohibited except in the limited case of Company-sponsored social activities. All of us are expected to adhere to this policy as a condition of employment. Violation of this policy is serious and can lead to termination of employment.

The Company reserves the right to conduct reasonable searches of employees' property when there is reason to suspect violation of this policy. The Company also reserves the right to require that an employee undergo a urine drug screening test or blood alcohol test when there is reasonable suspicion that an employee is or has been under the influence of illegal drugs or alcohol while on Company property or on Company business. Additionally, the Company reserves the right to require all applicants for employment and all employees returning from disability leaves for alcohol and/or drug-related medical conditions to undergo a urine drug screening test or blood alcohol test. Further, any conviction for an alcohol or drug-related criminal offense, as the result of conduct on or off the job will be considered grounds for discipline, up to and including termination. Employees who are convicted of such violations are required to notify Human Resources no later than five (5) days after their conviction.

If an employee is not terminated after violating the Company's alcohol and drug policy, including but not limited to failing a drug screening test or blood alcohol test, he or she may be required to participate in a substance abuse assistance or rehabilitation program as a condition of continued employment.

The Company provides an Employee Assistance Program which offers employees and members of their immediate households, information and professional, confidential counseling regarding drug or alcohol abuse. The Employee Assistance Program is fully described in the folder titled, "Estee Lauder Employee Assistance Program." The folder is available from Human Resources in your facility.

Please consult with your supervisor or Human Resources representative if you have questions about the Company's policy on the use of drugs or alcohol in the workplace.

**No actions are to be taken without the prior approval of Human Resources (including searches or testing).**