**
SUBSTANCE ABUSE PROGRAM**

FOR A DRUG- AND ALCOHOL- FREE WORKPLACE

**POLICY STATEMENT**

Capitol Beauty School ("Capitol") is committed to maintaining a drug-free and alcohol-free workplace in the interest of safety and efficiency for all concerned. Compliance with the Drug-Free Workplace act of 1988, Capitol's Drug-Free and Alcohol-Free Workplace Policy (“The Policy”) is a condition of continued enrollment and employment, and any violation of this policy will be dealt with as outlined herein. The word ‘workplace’ shall refer to Capitol’s main campus, additional classroom space, as well as any off-site, school-sanctioned event.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace.

This policy aims to inform employees/students about:

1. the dangers of drug abuse in the workplace;
2. the policy of maintaining a drug-free workplace;
3. any available drug counseling, rehabilitation, and employee assistance programs;
4. the penalties that may be imposed upon employees for drug abuse violations;

**DANGERS OF DRUG ABUSE**

Alcohol or drug abuse by students and employees of Capitol presents a number of unacceptable risks, including:

* Risk of injury to students, coworkers, or members of the public from accidents caused by an individual who is under the influence of alcohol or drugs.
* Risk of harm to the organization, through reduced productivity, increased absenteeism, damage to property, or damage to our reputation.
* Risk of physical, mental, emotional, and economic harm to the student or employee who is abusing drugs or alcohol, and to his or her family and friends.

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

**FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES**

21 U.S.C. § 844(a)

First Conviction: Up to 1-year imprisonment and fine of at least $1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least $2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least $5,000.

21 U.S.C. §§ 853(a) and 881(a)

Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for us, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

21 U.S.C. § 844a

Civil fine of up to $10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

21 U.S.C. § 862

Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

18 U.S.C. § 922(g)

Ineligible to receive or possess a firearm or ammunition.

Miscellaneous

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under Federal law for various drugs. The information is available at www.dea.gov/sites/default/files/drug\_of\_abuse.pdf. Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

**STATE PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES**

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Charts 1 and 2 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

**CRIMES INVOLVING MINORS**

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Cum. Supp. 2020).

Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19) (C), these include impounding licenses or permits issued under the Motor Vehicle Operator’s License Act, completion of community service, and attending drug education classes.

The law provides immunity from violations of §28-441 or subsection (3) of §28-416 in certain circumstances when a person may need medical assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible drug overdose of themself or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 28-472.

**PROBATION CONDITIONS**

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Cum. Supp. 2020).

**TAX PROVISIONS**

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of “controlled substances” here but is also taxed, as follows:

Illegal marijuana is taxed at $100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2018).

Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at $150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2018).

Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at $500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 (Reissue 2018).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a $10,000 fine or both. Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020) available at http://nebraskalegislature.gov/laws; Neb. Rev. Stat. §§ 77-4309 (Reissue 2018).

**PROPERTY FORFEITURE**

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2016).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose:

It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

**DRUG PARAPHERNALIA OFFENSES**

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Cum. Supp. 2020). Individuals who make a good faith request for emergency medical assistance in response to their drug overdose or when assisting another person may experience limited immunity from drug possession and paraphernalia charges if they meet certain requirements, such as requesting medical assistance as soon as the drug overdose is apparent and remaining on the scene and cooperating with medical assistance or law enforcement personnel. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2020); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2020).

"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2020).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of $100; a second offense within two years of the first is punishable by a fine between $100 and $300; a third offense within two years of the second is punishable by a fine between $200 and $500. Neb. Rev. Stat. §§ 28-441 (Cum. Supp. 2020). and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a $1,000 fine or both. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one YEAR or a $1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

**IMITATION CONTROLLED SUBSTANCES**

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue, but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401(30) (Cum. Supp. 2020). The first violation of this law is a Class III misdemeanor and the penalty may be a 3-month imprisonment or a $500 fine or both. A second offense violation of this law is a Class II misdemeanor and the penalty may be imprisonment for up to six months or a $1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

**CONTROLLED SUBSTANCE ANALOGUES:**

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the chemical structure of a controlled substance or (ii) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(31)(a) (Cum. Supp. 2020).

**STATE LAW PENALTIES AND SANCTIONS FOR SELECTED ALCOHOL OFFENSES**

**MINOR IN POSSESSION:**

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). In general, unless an exception applies, any person under the age of 21 years violating this law is guilty of a Class III misdemeanor; additional consequences may apply if the person is 18 years of age or younger. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2020); § 28-106(1) (Reissue 2016). Penalties for violation of this law may include one or more of the following: the impoundment of the offender’s license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a $500 fine;. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2020); § 28-106(1) (Reissue 2016).

The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of themself or another person as soon as the emergency situation is apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181(3) (Cum. Supp. 2020).

**PROCURING ALCOHOL:**

It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Cum. Supp. 2020). Violation of this law is generally punishable by not more than a one-year imprisonment or a $1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor’s consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days’ imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a $10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Cum. Supp. 2020) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020) available at http://nebraskalegislature.gov/laws.

**CONSUMPTION ON PUBLIC PROPERTY:**

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2018). A violation of this statute is punishable on the first offense by a fine of up to $100; a second offense within two years of the first is punishable by a fine between $100 and $300; a third offense within two years of the second is punishable by a fine between $200 and $500. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2020) and § 29-436 (Reissue 2016).

**DRIVING WHILE INTOXICATED:**

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).

Violation of this law is punishable on first offense by seven to 60 days of imprisonment and a $500 fine. Neb. Rev. Stat § 60-6,197.03 (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60- 6,197.03(1) (Cum. Supp. 2020). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a $500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Cum. Supp. 2020).

Penalties for a second conviction include a $500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2020). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2020). In addition, the probation order shall include as one of its conditions the payment of a $500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2020).

Penalties for a third conviction include a $1,000 fine and a maximum of a one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2020). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender’s operator’s license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2020). In addition, the probation order shall include the payment of a $1,000 fine and as one of its condition’s confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2020).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). Probation or suspension of sentence must be conditioned so that the offender’s license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). In addition, the probation order shall include as one of its conditions a $2,000 fine and confinement in the city or county jail for no less than 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least two years’ in prison. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). Probation or suspension of sentence must be conditioned so that the offender’s license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). In addition, the probation order shall include as one of its conditions a $2,000 fine and confinement in the city or county jail for 180 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020).

Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Cum. Supp. 2020). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony with a minimum sentence of one year of imprisonment, and has his or her license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(8) (Cum. Supp. 2020). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle operated by the convicted person during the period of revocation. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Cum. Supp. 2020). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. “open container” laws.

**HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL**

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person’s thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. The following are some important facts to know regarding alcohol and drugs.

**ALCOHOL**

Below are key points the National Institute on Alcohol Abuse and Alcoholism provides regarding alcohol’s effects on the body at https://www.niaaa.nih.gov. Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here’s how alcohol can affect your body:

1. **Brain.** Alcohol interferes with the brain’s communication pathways and can affect the way the brain looks and works. These disruptions can change mood and behavior and make it harder to think clearly and move with coordination.
2. **Heart**. Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including cardiomyopathy – stretching and drooping of heart muscle; arrhythmias – irregular heart beat; stroke; and high blood pressure.
3. **Liver.** Heavy drinking takes a toll on the liver and can lead to a variety of problems and liver inflammations including steatosis, or fatty liver; alcoholic hepatitis; fibrosis; and cirrhosis.
4. **Pancreas**. Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.
5. **Cancer.** Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen. The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer.

Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer: head and neck cancer; esophageal cancer; liver cancer; breast cancer; and colorectal cancer.

1. **Immune System.** Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body’s ability to ward off infections – even up to 24 hours after getting drunk.

**DRUGS**

With drugs, it has been shown that while initial use may have been voluntary, drugs of abuse alter gene expression and brain circuitry, which affects human behavior and becomes an addiction. Once addiction develops, the brain changes interfere with one’s ability to make voluntary decisions, leading to compulsive drug craving, seeking and use. The long-term use of drugs can be far reaching and affect cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis, and lung disease. Drugs use has respiratory, gastrointestinal and musculoskeletal effects, and can damage kidneys, the liver, the brain and lead to premature death. In addition, the changes that occur in the brain through long-term drug use can lead to paranoia, depression, aggression, and hallucinations. These issues affect not only the individual, but loved ones, fellow students, and the public in general.

The health risks of alcohol and substances abuse are more thoroughly described by the National Institute on Drug Abuse through charts and information available at http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts.[1]

**PROHIBITED ACTS**

1. **Use or Possession at School / Work.** The use or possession of alcoholic beverages or illegal drugs, and the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, while on Capitol property, at school or work, or performing Capitol business, is prohibited. This policy is not intended to prohibit the moderate use of alcohol at Capitol-sponsored events where alcohol is provided.
2. **Intoxication/Impairment.** Appearing to school or work or performing any school or work duties or Capitol business while intoxicated or impaired by alcohol or drugs is prohibited. Student or employees who are believed to be intoxicated or impaired at school or work may, in addition to any other appropriate action, be suspended, sent home, or reassigned for safety reasons while the situation is evaluated.
3. **Off-Duty/ Off-Premises Use.** The use of alcohol off duty and off premises in any manner that results in intoxication or impairment at school or on the job, adversely affects attendance or school or job performance, or otherwise adversely reflects on Capitol, is prohibited. The use of illegal drugs by students or employees, whether on or off duty and whether on or off premises, is prohibited under all circumstances.
4. **Legal Drugs.** The use of legal drugs (over the counter or prescription medications) not in accordance with doctor's orders and/or manufacturer's recommendations is prohibited and considered abuse. Abuse of legal drugs shall be considered to be the same as use of illegal drugs under this policy. If use of legal drugs in accordance with doctor's orders and/or manufacturer's recommendations may impair the student's or employee's ability to safely and effectively perform his or her work, the student or employee must so notify his or her supervisor in advance, so that any necessary arrangements can be made to protect safety and productivity.
5. **Applicants.** Capitol will not hire a job applicant or enroll a student who is known to be currently abusing alcohol or legal drugs, or currently using illegal drugs.

**RIGHT OF INSPECTION**

Capitol Beauty School, Inc. reserves the right to inspect at any time all vehicles, lunch containers, purses, boxes, packages, desks, lockers and other personal property of students and employees on Capitol premises or in a student or employee’s possession on work time for the purpose of enforcing this policy or other safety and security reasons.

**DRUG AND ALCOHOL TESTING POLICY**

Capitol may require any student, employee, or job applicant to submit to a blood, breath, and/or urine test for drugs or alcohol, in the following circumstances:

1. **Post-offer.** Post-offer testing may be required for all job and student applicants within specified facilities, working on particular projects, or job categories as determined by management from time to time.
2. **Reasonable Cause.** Capitol may require any student or employee to be tested for the presence of drugs or alcohol based on reasonable cause. Reasonable cause shall be defined as a reasonable suspicion, by a supervisor or above, concurred by the senior manager available within the affected facility or department, that a student or employee's faculties are impaired at school or on the job or that a student or employee has used or possessed illegal drugs. This determination of a reasonable suspicion may be based on a variety of factors, including but not limited to:
	1. Direct observation, or reliable reports from students, coworkers, or others.
	2. Possession of drugs or alcohol on the premises, or use of drugs or alcohol at Capitol, prior to coming to Capitol, or on break.
	3. Behavior, speech or other physical signs consistent with impairment.
	4. A pattern of abnormal conduct or erratic behavior, which is not otherwise satisfactorily explained.
	5. Accidents, school or work injuries, or property damage.
	6. A combination of some of the above factors, and/or other factors in the judgment of management.

Management's determination of whether reasonable cause exists shall be discretionary and shall be final.

1. **Follow-up Testing**. Capitol may require a current student or employee to undergo testing during or following completion of a concern under this policy, without prior notice that such a test will be conducted.
2. **Scheduled Periodic Random Testing.** All students and employees may be randomly tested for compliance with this policy. As used in this policy, "random testing" means a method of selection of students and employees for testing, performed by an outside third party. The selection will result in an equal probability that any student or employee from a group of students or employees will be tested.
3. **Workplace Accident Testing**. In conjunction with the investigation of any accidents in the workplace, where the accident results in an injury to a person other than a minor injury requiring only first aid treatment and which did not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, or when the accident results in an injury to a non-employee for which injury, if suffered by an employee, a record or report could be required under OSHA, or which results in damage to property, including to equipment, in an amount reasonably estimated at the time of the accident to exceed more than $1,000, Capitol may require students or employees to submit to drug or alcohol testing.
4. **Rehabilitation Testing**. Capitol may require a current student or employee to undergo testing during, or following completion of an evaluation or rehabilitation, without prior notice that such a test will be conducted.
5. **Refusal to Submit to Testing**. Refusal to submit to or cooperate in the administration of requested testing will result in termination of enrollment or employment. This includes the use of any adulterant.

**TESTING PROCESS**

1. **Scope.** Drug and alcohol testing of applicants, students, or employees may include a urinalysis, breath analysis, and/or blood sample testing as determined by Capitol, the testing service provider and state law. Testing may include, but may not be limited to, detecting the presence of marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), and any adulterants. Capitol may increase or decrease the list of substances for which testing is conducted at any time, with or without notice. In addition, Capitol may require separate samples if multiple tests are conducted. Test levels and standards will be established by Capitol and the testing service provider.
2. **Confirmation.** Initial positive tests may be confirmed using a second test in accordance with applicable law.
3. **Specimen for Testing.** Testing shall be conducted at a location designated by Capitol. Job applicants, students, and employees selected for testing shall appear and provide the necessary sample at the precise time and place specified by Capitol. The applicant, student, and/or employee must sign any consent requested and provide any other requested information; failure or refusal to do so may result in discharge or denial of employment or enrollment.
4. **Specifying Current Legal Use.** Capitol will afford applicants, students, and employees subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs and controlled substances they have used and to explain the circumstances surrounding the use of such drugs and controlled substances. Failure of any student or employee to adequately establish a legal basis for the use of any drug or controlled substance with respect to which the student or employee tests positive shall constitute a violation of this policy.
5. **Approval Form**. Applicants, students, and employees, prior to testing, must sign an approval form agreeing to the testing, authorizing the release of test results to Capitol, and authorizing the disclosure of the results to the student's or employee’s supervisor, higher management, and/or other persons on a “need-to-know” basis. Capitol will obtain the results of the above referenced analyses and communicate or disclose such results to the student's or employee’s supervisor, higher management, or any other person in accordance with Capitol’s policies and procedures.
6. **Testing an Injured Student or Employee.** A student or employee who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization to obtain hospital reports and other documents that may indicate whether there were any controlled substances or alcohol in his/her system.
7. **Notification of Results.** Students, employees, and applicants will receive notification of positive test results and will be given an opportunity to explain such results. Failure to timely respond may result in an uncontested positive verification.
8. **Cost of Testing**. Students must pay for testing in the event of positive test results.

**REHABILITATION**

1. **Purpose and Responsibility**. Students and employees may be assisted in identifying rehabilitation services, referral agencies, or other resources to help the student or employee in dealing with any dependency issues. It is the student's or employee's responsibility, however, to see that such problems do not interfere with proper school or job performance or expose others to the risk of harm. All students and employees are urged to obtain any necessary help before a personal problem becomes a school or employment problem.
2. **Evaluation and Treatment**. A student or employee may be allowed at the discretion of Capitol, as an alternative to discipline or discharge for violation of this policy, to undergo an evaluation for chemical dependency. This alternative may be offered on a case-by-case basis, at the sole discretion of Capitol management. If recommended by an evaluation, enrollment in and successful completion of an approved program of chemical dependency or alcoholism treatment may, in the sole discretion of Capitol management, be offered once as an alternative to disciplinary action of a student or employee (not applicable to applicants), and as a condition of continuing enrollment or employment. Eligibility to return to work or school, and any special conditions on the student's or employee's work, shall be determined on a case-by-case basis considering all relevant circumstances, including Capitol's interest in safety and operational efficiency.

**DRUG AND ALCOHOL TREATMENT FACILITIES STREET ADDRESS PHONE**

Omaha Treatment Center 11215 John Galt Blvd, Omaha NE 68137 402.592.5900

Complete Family Treatment Services 10846 John Galt Blvd, Omaha NE 68137 402.325.1290

Northpoint Omaha 8710 Frederick St #100, Omaha NE 68124 402.433.6036

Santa Monica Inc. 130 N 39th St, Omaha NE 68131 402.558.7088

**REPERCUSSIONS OF VIOLATIONS**

The actions taken against employees/students for violations of such prohibition(s) are as follows: Depending on the circumstances, appropriate corrective action may include termination from school or employment, suspension, warning, probation, reporting to relevant professional licensing groups, or any lesser sanction; reassignment, supervision, or limitation of responsibilities; or other action deemed to be commensurate with the problem.

**RECORDS**

Capitol shall not release the individual test results of any student, employee, or applicant to any person outside the organization, without first obtaining written authorization from the tested student, employee, or applicant, unless otherwise authorized by law. Information will be released only to those students, employees, and agents who have a legitimate need to know the information for business purposes.

**CONSENT TO SUBSTANCE ABUSE PROGRAM**

FOR A DRUG- AND ALCOHOL- FREE WORKPLACE

PRINTED NAME \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By signing below, I verify that I have received Capitol's

**SUBSTANCE ABUSE PROGRAM FOR A DRUG- AND ALCOHOL- FREE WORKPLACE.**

I consent to abide by that policy and to provide a sample of my blood, breath and/or urine for laboratory testing to determine the presence of drugs, alcohol and/or adulterant in my body, if required.

I understand and agree that if the sample I provide tests positive, I may be subject to corrective action and/or denial of enrollment or employment.

I also understand and agree that the test results will be made known to employees and agents of Capitol with a legitimate need for the information in the performance of their jobs, and to others if required by law.

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STUDENT/EMPLOYEE/APPLICANT SIGNATURE DATE

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PARENT/LEGAL GUARDIAN SIGNATURE (IF STUDENT IS UNDER THE AGE OF 19.) DATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINTED NAME OF STUDENT’S PARENT/LEGAL GUARDIAN (IF STUDENT IS UNDER THE AGE OF 19.)