

Nebo School District Board of Education

Policy GBCC/JFCJ

## **ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

### **Policy Statement**

It is the policy of the Nebo School District pursuant to the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F, and regulations promulgated thereunder, to adopt, implement, maintain and enforce a drug and alcohol free workplace. The District intends to provide for safe and productive work and educational environment that is free from the effects of possession, manufacture, use, or distribution of illicit drugs or alcohol.

### **Prohibited Practices**

School District employees and students are prohibited from manufacturing, possessing, using, dispensing, or distributing any illicit (as opposed to authorized) drugs or alcohol on school district premises or as part of any school district activity. It is mandatory that all students and employees abide by this policy. Furthermore, all employees, as a condition of employment, must abide by the terms of this policy and must notify the District Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

### **Prevention Policy**

1. All students of all schools in the District are required to participate in age appropriate, developmentally based drug and alcohol education and prevention programs. Such programs will address the legal, social, and health consequences of drug and alcohol use, as well as provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol.
2. All students shall be taught, and all employees shall receive information that drug alcohol use is wrong and harmful.
3. All students, parents, and employees shall be notified of this policy. New students of employees shall be notified at the time of enrollment or appointment, or no later than thirty (30) days after enrollment or appointment.

### **Searches/Sanctions/Students**

1. The District or a school administrator may conduct searches of lockers, desks of any other school owned facility or equipment if such a search is justified based on a reasonable expectation that illegal drugs or alcohol will be found. Such searches may be conducted at the discretion of the Superintendent, the school principal or designee.
2. A district or school administrator may conduct reasonable, personal searches of students if justified on the basis of reasonable grounds prior to the search.
3. Any student who is found to have possessed, manufactured, used, dispensed, or distributed illicit drugs or alcohol on a first violation or a repeated violation shall be provided information or referred, as appropriate, to available drug and alcohol counseling and rehabilitation programs. In addition, the students shall be suspended or expelled from school in accordance with the District's Tobacco, Alcohol and Drug Policy adopted April 12, 1989. Prior to or immediately following the suspension, the school administrator must notify the student and parents of the reasons for the suspension. The administrator may also refer the case to the local police authorities for prosecution.
4. Prior to suspension for 11 days or more, or expulsion, the school administrator must follow these procedures:
  - a. Notify the student and parents of the reasons for the suspension, including a report on the facts, and names of witnesses;
  - b. Conduct a meeting with the student allowing the student to respond to the charges. The student should be given

ample time between receipt of notice and date of hearing.

- c. Provide the student with an opportunity to inspect written notes and findings of the hearing.
- d. Provide a copy of the written findings of the hearing to the parents or guardians of the student.

### **Sanctions/Employees**

1. Employees must notify the Superintendent of any criminal drug or alcohol statute conviction for a violation occurring on district premises or at the site of any district activity. Notification must be received by the Superintendent or designee no later than five days after such conviction. Upon receipt of such actual notification from an employee, the Superintendent or designee shall take action described in paragraph 4a, or 4b below.
2. Supervisors and administrators who are aware of a violation of the standards set forth in the Prohibited Practices Section of these policies, must take immediate action to correct the violation.
3. Employees should not be searched by supervisors or administrators. However, any drugs or alcohol in plain sight may be seized by the supervisor or administrator. The District Superintendent, supervisor or principal may conduct or authorize searches of the employee's workstation locker and other school district facilities and equipment, and may require the employee to submit to drug testing procedures if the Superintendent, supervisor or principal has a reasonable suspicion of drug or alcohol possession, use, or distribution by the employee or when the employee is involved in a work-related accident.
4. If an administrator has a reasonable expectation that an employee is in possession of, is using or has distributed illicit drugs or alcohol, the administrator should notify local police authorities and the District Superintendent or designee. The employee should be suspended without pay pending the outcome of the police investigation. Any suspension must be preceded, or followed immediately by a written notification to the employee stating the reason and any factual information serving as the basis for the suspension. If, after an investigation, the employee is found not to have violated these rules, the employee shall be reinstated with full back pay. If the charges are substantiated, the administrator shall choose one of the following options depending on the severity of the violation:
  - a. Immediate termination to be initiated consistent with School District policies and, if the employee is a teacher or educator, the Utah Orderly School Termination Procedures Act, UCA, 53A-8-101; or
  - b. Referral to a drug or alcohol counseling and rehabilitation program. If an employee accepts this option the employee shall be granted sick, vacation, or leave without pay for inpatient treatment. Continued discretion of the principal, supervisor or Superintendent based on an evaluation of the employee's ability to perform adequately during this time is required. Employees undergoing rehabilitation must sign a release to allow the transmittal of verbal and/or written progress reports between the District and inpatient/outpatient provider. All such communication shall be classified as confidential information. Employees shall be required to continue any outpatient treatment prescribed by a licensed practitioner on the employee's own time. Employees who fail to complete the prescribed treatment program or who cannot be rehabilitated shall be terminated from employment.

### **Definitions**

1. Reasonableness - ability to recount and provide reasons for actions. Reasonableness is more than a "hunch" or feeling. It requires at least some factual information.
2. Workplace - Means any school facility, office, building, or property, including parking lots, owned or operated by the Nebo School District, or any other site at which an employee is to perform work for the District, or the site of any school or school district activity.
3. Possess - Possess means to have either in or on an employee's person, personal effects, motor vehicle, tools, and areas substantially entrusted to the control of the employee such as desks, files and lockers.

4. Authorized Substances - Include only (1) lawful over-the-counter drugs (excluding alcohol) in reasonable amounts; and (2) other lawful (prescriptions) drugs or alcohol, the possession of which supervisors have been advised and approved in advance.

### **CONCLUSION**

Restricting the possession, use and distribution of drugs and alcohol by employees and students in the school environment is necessary to advance the educational mission of the schools. The policy presented in this analysis is intended to provide appropriate procedures and sanctions for reducing drugs and alcohol in the school environment. At the same time, the policy assures that employee and student rights to due process are protected at a level required by the Constitution and relevant court cases.

Approved: 1-12-94