

**NEPN/ NSBA CODE: GBEC  
MEDWAY SCHOOL BOARD POLICY**

**DRUG FREE WORKPLACE**

The School Board recognizes that alcoholism and drug dependency are treatable diseases. Left untreated, they may result in serious personal and family problems. At the same time, the Board is also seriously concerned about the effects of alcohol and drug dependency upon an employee's job performance and ability to serve as a role model for our students.

The Board believes strongly that all employees and students should be able to work and learn in an environment free from alcohol and drug abuse. Accordingly, the Board expects all employees to report for work and to perform their duties in a manner that does not jeopardize the health, safety and well-being of co-workers and students.

No employee shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor. Nor shall an employee unlawfully manufacture, distribute, dispense, possess, use or be under the influence of "bath salts" or other synthetic hallucinogen or of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance (as defined in schedules I through V of section 202 of the federal Controlled Substance Act [21 USC § 812]; by regulation at 21 CFR, § 1300.11 through 1300.15; and in 17-A MRSA, § 1101). This applies before, during and after school hours, at school or in any other school system location, defined as follows:

"School system location" means in any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transports students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school unit; or during any period of time such employee is supervising students on behalf of the school system or otherwise engaged in school unit business.

Any employee who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to contact his/her supervisor to seek voluntary diagnosis and treatment. The employee will be provided confidential referral services to an outside agency upon request and assisted in determining the extent to which insurance coverage to help pay for such services is available. All voluntary referrals shall be kept confidential.

Any illegal use, possession, furnishing, selling or provision of assistance in obtaining "bath salts," alcoholic beverages or scheduled drugs not covered by the preceding paragraph may, depending upon the circumstances, constitute sufficient grounds for discipline, up to and including dismissal. Referrals under foregoing paragraphs of this policy will not preclude disciplinary action under this paragraph, depending on the circumstances.

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As provided in the Drug-Free Workplace Act of 1988, any employee is required to notify the school unit of a criminal or civil conviction for a drug violation occurring in the workplace no later than five calendar days after such conviction. In turn, the Superintendent, within 10 calendar days of learning of such a conviction, is to give written notification to the U.S. Department of Education and to any other federal agency from which the unit receives grant funds.

It is not a violation for a staff member to be in possession of a legally defined drug specifically prescribed and properly administered for the person by his/her physician or counselor.

Any employee who violates the terms of this policy may be allowed to participate, pending school board approval, in a drug abuse assistance or rehabilitation program at the employee's expense. If such employee fails to satisfactorily participate in AND complete such program, the employee shall have appropriate disciplinary sanctions taken against him/her, up to and including dismissal.

**Implementation**

The Superintendent shall be responsible for developing and administering appropriate procedures to implement this policy.

**Confidentiality**

It is clearly understood by the administration of the Medway School Department that the role of the substance abuse counselor must be considered one involving confidential material that cannot be divulged. His/her report to the administration will only be made with the consent of the staff member with whom he/she is working and may only be a statement that he/she is working with an individual at his/her request. The administration recognizes that they only need to know that a counselor is working with an individual, but not the specifics.

**The Documented Substance Abuser**

An employee who is determined to be a substance abuser based on factual and well-documented information gathered and evaluated by a substance abuse counselor should have the opportunity to meet with his/her supervisor and counselor. This meeting should result in an initial treatment process and personnel to be involved in the individual's treatment program.

- a. The staff member, counselor and the administrator to whom the member is directly responsible will meet and work out an agreement on expected work performance and duties if hospitalization is not recommended or delayed because of lack of bed space. An agreed upon condition will be the length of time appropriate for review or

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updating of performance standards. This condition will be for the duration of the outpatient service.

- b. Treatment may include, but not be limited to:
  - 1. support groups (AA, NA, ACOA);
  - 2. individual and/or family counseling;
  - 3. residential or outpatient treatment;
  - 4. follow-up counseling and/or related services;
  - 5. periodic updating and review of individual programs of treatment.
- c. The Medway School Department will develop a relationship with outside agencies to assist those wishing help to receive treatment as quickly as possible. The administrative team will be the liaison group with outside treatment agencies.
- d. The Medway School Department will cooperate with staff members who readily admit they have a substance abuse problem and willingly seek treatment. After the individual enters treatment and so long as the individual continues to make progress with the treatment plan, every effort will be made by the administrative team to support and encourage the individual.
- e. The person who is in treatment will receive full pay and benefits. Treatment is paid for by the individual as outlined in the individual's group health insurance policy. Cost of treatment is the responsibility of the individual involved. At any step, the individual has the right to seek a second opinion.

**Self-Reported Alcohol and/or Drug Problems**

- 1. If a staff member seeks help, the primary role of the administrator who receives a request for help is to direct the person to the appropriate resource as outlined in "Documented Substance Abuser". The administrator involved will support the staff member as in "Documented Substance Abuser".
- 2. The staff member will be referred directly to a mutually agreed upon substance abuse counselor and the superintendent will be informed. The counselor acts at all times in an advisory position.
- 3. The staff member will meet with the substance abuse counselor and those other concerned individuals who the counselor and staff member feel appropriate to have present. The plan will include an agreement on the treatment process and personnel to be involved in the individual's treatment program.
- 4. The staff member, counselor and the administrator to whom the member is directly responsible will meet and work out an agreement on expected work performance and

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duties if hospitalization is not recommended or delayed because of lack of bed space. An agreed upon condition will be the length of time appropriate for review or updating of performance standards. This condition will be for the duration of the outpatient service.

5. When the staff person refuses help, the superintendent will consider the appropriate action in consultation with the responsible school board after legal advice.

**Concerned Individual Report**

In cases where substance abuse by a staff member is reported to the administration by a concerned individual, the administrator will gather information regarding possible substance abuse by staff member. This step might prove the report of substance abuse to be inaccurate in which case the process stops. If the information which is gathered needs to be checked further, the administrator will contact a substance abuse counselor who will be asked to assist in evaluating the data and consult on further options.

1. Where there has been a breach of school policy, the counselor will be asked to meet with the staff member and the administrator to discuss the information received and together determine the next step. Should there be no basis for belief that the staff member is abusing substances, the process stops. If there is accuracy in the reported data, then the suggestion that the staff member seek help as outlined in "Documented Substance Abuser" will be followed. In either case, the superintendent will be informed of the situation.
2. Where there has been no breach of school policy, Medway School Department will offer help as outlined in "Documented Substance Abuser".
3. If a staff member is determined to be a substance abuser and refuses to seek help, the superintendent will be informed, but the school will not be involved with the follow-up at this stage, as long as the substance abuse counselor and administration agree that the staff member is not a danger to himself, other staff members, and/or the children of the school. If the staff member is found to be a danger to himself or any segment of the school community, the superintendent will so inform the responsible school board, and upon legal advice, follow the policy for action leading to suspension and a hearing before the school board for staff members.
4. If the report of substance abuse by a staff member involves a violation of school policy or affects the job performance of a staff member, the substance abuse counselor will meet with the staff member and ascertain the reliability of the report. Should the staff member be found not to be an abuser, the matter will be reported to the superintendent as a false accusation. Should the counselor determine that the information is accurate, the matter will be reported to the staff member's building

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principal and superintendent and together they will decide the next step based on the seriousness of the violation. If the information is believed to be true no matter what other action is taken, the administration will offer to contact and arrange for the staff member to meet with a substance abuse counselor to arrange for treatment. The administration and counselor may agree that the violation does not merit a hearing, suspension of the staff member, or dismissal. They may wish to follow the procedure as outlined in "Documented Substance Abuser" and offer positive support if the staff member is willing to seek help.

If, on the other hand, the violation is deemed to be serious enough to merit it, the superintendent may elect to inform the responsible school board which will determine if further action is necessary. If the information is that the staff member is guilty of violating school policy regarding substance abuse and refuses to seek help, the superintendent may immediately suspend the individual without pay and begin hearing and dismissal procedures upon legal advice.

**On Job Intoxication**

An employee who appears on the job with physical signs of intoxication will be transported to a safe environment immediately by the individual's supervisor or designee. This will be considered the first occurrence.

1. If, on returning to the job, the individual with a substance use or abuse problem willingly discusses the nature and extent of the problem and agrees to seek appropriate treatment, then the appropriate school officials will proceed according to the policy outlined under "Documented Substance Abuser".
2. If, on returning to the job, the employee denies any problem or any responsibility for substance use and/or abuse, then the appropriate officials of the Medway School Department will initiate proceedings according to the following policy:
  - a. The employee will receive written notice to appear before the superintendent with the reasons for the meeting outlined in the letter. The employee has a right to be represented by the association or the union and by legal counsel.
  - b. If it is determined that the employee's substance use and/or abuse is a danger to students, himself, or other staff members, the employee will be suspended pending a hearing with the board. After hearing the case, the board may dismiss or reinstate the employee.

**Second Occurrence**

The employee will be placed on paid administrative leave until a meeting can be set with the superintendent, school board and employee. This meeting may involve legal counsel

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and the employee has a right to be represented by the association or the union and by legal counsel. After hearing the case, the school board shall give disciplinary action, up to dismissal.

**Communication**

A copy of this policy is to be given to all current employees and to new employees at the time of their employment and is to be posted in appropriate locations throughout the school system.

Legal Reference:        20 USC § 7101 et seq. (Safe and Drug-Free Schools and Communities Act)  
                                 21 USC § 812 (Controlled Substances Act)  
                                 21 CFR § 1300.11-1300.15  
                                 Fed. P.L. 101-226  
                                 17-A MRSA § 1101  
                                 22 MRSA § 2390-2394

Cross Reference:        JICH - Drug and Alcohol Use by Students

**REVISED:** \_\_\_\_\_

**Adopted: 12/16/93**

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