

## **FIT Academy**

### **418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL**

#### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

#### **II. GENERAL STATEMENT OF POLICY**

- A.** Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at MSA or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B.** A violation of this policy occurs when any student, teacher, administrator, other MSA personnel, or member of the public uses alcohol, toxic substances, or controlled substances in any school location.
- C.** MSA will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

#### **III. DEFINITIONS**

- A.** "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B.** "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C.** "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D.** "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E.** "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.

- F. "School location" includes any MSA building or on MSA premises; in any school-owned vehicle or in any other school-approved vehicle used to transport 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 MSA; or during any period of time such employee is supervising students on behalf of MSA or otherwise engaged in MSA business.

#### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when a person brings onto MSA, for such person's own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in MSA when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

#### **V. PROCEDURES**

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the MSA's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform the MSA Director (Director). The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to any MSA drug and alcohol testing policies and procedures in existence.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Director.
- F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the MSA Board of Directors (BOD) only. The applicant shall apply for permission in writing and shall follow BOD procedures for placing an item on the agenda.

## VI. ENFORCEMENT

### A. Students.

1. A student who violates the terms of this policy shall be subject to discipline in accordance with MSA's discipline policy. Such discipline may include suspension or expulsion from school.
2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

### B. Employees.

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify the Director in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on an MSA federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the BOD.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by MSA. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the BOD.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and MSA policies.

### C. The Public.

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

**Legal References:** Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)  
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)  
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)  
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)

20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)

21 U.S.C. § 812 (Schedules of Controlled Substances)

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)

21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)

34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

***Cross References:*** FIT Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
FIT Policy 416 (Drug and Alcohol Testing)  
FIT Policy 417 (Chemical Use and Abuse)  
FIT Policy 506 (Student Discipline)  
FIT 516 (Student Medication)