

## **Drug and Alcohol Policy and Procedures**

### Drug and Alcohol Policy

It is the policy of George Stone Technical College (GSTC) to promote a safe, healthy and productive environment for all students and employees and to maintain a learning and working environment that is free from the negative impact of drug and/or alcohol abuse. In compliance with the provisions of the Drug Free Schools and Communities Act, GSTC has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

GSTC prohibits students, employees, and visitors from being on the GSTC campus or attending any GSTC-sponsored off-campus activity while impaired by any impairing substance. GSTC also prohibits the manufacture, possession, use, distribution, or sale of controlled substances or alcohol during work time and breaks, on the GSTC campus or class/work sites, while driving a GSTC vehicle, and/or while driving any vehicle for a GSTC-sponsored, sanctioned, or required activity.

### Definitions

**Student:** A person who is registered for, enrolled in, or attending a GSTC program or course, regardless of the program/course location.

**Employee:** A person who is hired by the Escambia County School District (ECSD) to provide services to GSTC on a regular basis in exchange for compensation and who does not provide these services as part of an independent business.

**Visitor:** A person on GSTC's premises or attending any GSTC-sponsored activity who is not a student or employee.

**Impairing substance:** Any substance that, when introduced into a person's body, has the effect of impairing, to any degree, that person's mental or physical faculties. Impairing substances include, but are not limited to, alcohol in any form (ethanol, methanol or isopropanol), any substance included within the 2014 Florida Statute 893.03, Drug Abuse Prevention and Control Act, prescription medications, over-the-counter medications and chemical inhalants.

**Controlled Substance:** A drug, substance, or immediate precursor included in Schedules I through V of the Florida Drug Abuse Prevention and Control Act and/or any drug listed in Title 21 of the United States Code and other federal regulations. Generally, these are drugs which have a high potential for abuse and include "legal drugs" which are not prescribed by a licensed physician.

**Alcohol:** the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular

weight alcohols, including methyl and isopropyl alcohol.

## **Drug and Alcohol Procedures**

### Employees

#### Statement of Beliefs:

The parties to this agreement believe it is a paramount duty of teachers, administrators and staff to provide a safe learning environment for students free from influences and behaviors that place students or employees at risk. We believe it is inappropriate for any teacher, administrator or staff member who is impaired by drugs or alcohol to interact with students or endanger themselves or others. Further, we are committed to lawful employment practices for employees who seek assistance by self-disclosure and submission for evaluation and/or treatment for drug or alcohol abuse or dependency.

#### **ECSB POLICY 2.37 DRUG-FREE WORKPLACE**

(1) Personnel shall not manufacture, distribute, dispense, possess, or use on or in the workplace any alcoholic substance, any intoxicating or auditory, visual or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined by federal or state laws or rules, or any counterfeit of such drugs or substances all being collectively referred to as drugs.

(2) Workplace is defined as the site for the performance of work done in connection with employment. That includes, but is not limited to, any school building or any school premises, any vehicle used to transport students to and from school and school activities off Board property during 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 Board.

(3) As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute no later than five (5) days after such conviction. (Also see 2.43, S.B.R., Self-Reporting of Arrests and Convictions by Employees) An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated. However, at the discretion of the Board, such employee may be allowed to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved by the Board in lieu of a non-renewal, suspension, or termination. Sanctions and discipline against personnel, including nonrenewal, suspension, and termination, shall be in accordance with prescribed Board procedures and shall be commenced within thirty (30) days of receiving notice of an employee's conviction. Within ten (10) days of receiving notice of an employee's conviction in violation of this rule, the Superintendent shall notify the State Department of Education when applicable.

(4) Pursuant to Section 440.102, F.S., a drug-free awareness program is hereby established and is to be implemented by the Superintendent to inform personnel of the dangers of drug abuse in the workplace, of the Board's policy on maintaining a drug-free workplace, of available drug counseling, rehabilitation, and assistance programs; and of the penalties to be imposed up to termination, for drug abuse violations. As a part of this program, all personnel and applicants for employment shall be given notice of the Board's policy regarding the maintenance of a drug-free workplace in the following form:

### **NOTICE TO EMPLOYEES REGARDING DRUG-FREE WORKPLACE PROGRAM**

**YOU ARE HEREBY NOTIFIED** that it is a condition of employment that you refrain from the use of illegal drugs or the abuse of legal drugs on or off the job. As part of the Drug-Free Workplace Program the Board has instituted a drug-testing program. It is a violation of the policy of the Board for any employee to manufacture, distribute, dispense, possess, or use drugs, whether in the workplace or away from the workplace including non-working hours. Lawful consumption of alcohol during non-working hours and away from the workplace that does not adversely impact the employee's work performance or fitness for duty is not a violation of the Board's Drug-Free Workplace Program. All employees are subject to drug testing. Refusal to submit to a drug test may subject the employee to termination and, where on-the-job injury is at issue, loss of workers' compensation medical and indemnity benefits. The Drug-Free Workplace Program adopted by the Board authorizes the following types of drug tests:

- A. Pre-Employment Screening. An employer must require a candidate for employment to submit to a drug test. The employer may use a refusal to submit to a drug test or a confirmed positive drug test as a basis for denial of employment.
- B. Reasonable Suspicion. An employer must require an employee to submit to reasonable suspicion drug testing.
- C. Routine Fitness For Duty. An employer must require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
- D. Follow-up. If the employee in the course of employment enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such programs and on a quarterly, semiannual, or annual basis for up to two (2) years thereafter.
- E. On-the-job Injury. If the employee is injured in the course of employment the employee shall be required to submit to a drug test. Necessary medical care will not be denied pending completion of, or submission to, a drug test.
- F. Post-accident. If an employee operating a District vehicle is involved in an at-fault traffic accident satisfying the parameters defined in the Transportation Department SOP entitled, "Post-Accident Drug/Alcohol Testing," which requirements are incorporated herein by reference, the employee shall be required to submit to a drug/alcohol test.

Necessary medical care will not be denied pending completing of, or submission to, a drug test.

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential communications, but may be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, as authorized by law. Employees may confidentially report the use of prescription or non-prescription medications, both before and after being tested. The reports of the use of prescription drugs should include a copy of the medical prescription. Reports may be made to the employee's supervisor, principal or director. Reports must be in writing identifying the use of prescription or nonprescription medications. Attached to this notice is a list of the most common drugs or medications by brand name or common name, as applicable as well as by chemical name, which may alter or affect a drug test. (See Attachment "A") The Board has instituted an employee assistance program providing alcohol and drug rehabilitation. Employees seeking information or assistance through the program should contact the Director of Risk Management for further information.

Pursuant to Section 440.102(3)(a)8, F.S., an employee or job applicant who receives a positive confirmed drug test may contest or explain the result to the medical review officer (MRO) within five (5) working days after written notification of the positive test. If an employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the employer. A person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration. (See Attachment "B")

The employee or job applicant has the right to consult the testing laboratory for technical information regarding prescription or nonprescription medication. A list of drugs for which the employer will test, described by brand names or common names as applicable, as well as by chemical names, is attached to this notice. (See Attachment "C")

In addition to the right of the employee to challenge or contest the results of any drug test, the employee has the right to appeal to the Public Employees Relations Commission or applicable court and may have additional rights under a collective bargaining agreement, if any. Questions regarding the collective bargaining agreement may be directed to the appropriate bargaining unit representative.

The Board is required to report an employee conviction of drug violations occurring in the workplace to the State Department of Education within ten (10) days of receiving such notice, when applicable, and is also required to commence disciplinary action against such employee within thirty (30) days of receipt of the notice of violation.

### **CHALLENGES TO TEST RESULTS**

(1) A requirement of the Drug-Free Workplace Program is that within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant must be allowed to submit information to the MRO explaining or contesting the test results. If an employee's or job applicant's explanation or challenge of the

positive test result is unsatisfactory to the MRO, within fifteen (15) days of receipt of the explanation or challenge, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential by the employer and shall be retained by the employer for at least one (1) year.

(2) An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a judge of compensation claims pursuant to Chapter 440, F.S. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee or job applicant undertakes a challenge to the results of a test, it shall be the employee's or job applicant's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

### **ECSB POLICY 2.38 ALCOHOL AND DRUG TESTING POLICY**

All employees required to hold a commercial driver's license (CDL) and who perform safety-sensitive functions, such as driving a school bus, are required to adhere to the provisions of the Federal Omnibus Transportation Employee Testing Act (OTETA) of 1991. Such employees are subject to drug and alcohol testing under the provisions of OTETA and Florida Statutes.

#### Students

GSTC is committed to providing each of its students a drug-free environment in which to attend classes. From a safety perspective, the users of drugs or alcohol may impair the well-being of students, interfere with GSTC's educational environment, and result in damage to GSTC property. Therefore, it is the College's policy that the unlawful manufacture, distribution, dispensation, possession, or use of narcotics, drugs, other controlled substances or alcohol is prohibited on the GSTC campus or as part of any College-sponsored activity. The specifics of this policy are as follows:

1. No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other "controlled substance" before, during, or after school hours on the GSTC campus or at College-sponsored events activities or events.
2. A student's legal use of prescribed or over-the-counter drugs is not a violation of policy only if such use does not endanger the student or others and it does not interfere with student learning or participation in student-related activities. Students shall be held strictly accountable for their behavior while under the influence of prescribed drugs or over-the-counter drugs.
3. Any student who possesses, uses, sells, gives, or in any way transfers a controlled

substance or manufactures a controlled substance while on any GSTC campus or as part of any College-sponsored activity will be subject to disciplinary action up to and including withdrawal and referral for prosecution, and possible legal sanctions.

4. GSTC annually provides Drug and Alcohol Abuse Awareness programs for students. These programs are available to all students, but may be required for students in violation of this policy as a first level disciplinary sanction. Additional educational materials, programs, and other resources are available in the Counselors Office on the GSTC campus.

5. Instructors have the discretion to determine whether a student may be under the influence of drugs or alcohol. If the instructor suspects a student is under the influence of drugs or alcohol, he or she has the authority to contact an administrator to remove the student from the classroom. The administrator will notify the student of his/her alleged violation of The ECSD Student Rights and Responsibilities Handbook, his/her rights as outlined The ECSD Student Rights and Responsibilities Handbook, and the subsequent steps that will follow.

GSTC complies with applicable Department of Education requirements by taking the following steps, as they apply to students:

1. Prepares GSTC's Drug and Alcohol Prevention Program (DAAPP) for annual distribution to all currently enrolled students.
2. Publishes the Drug and Alcohol Policy and Procedures on the website and establishes an annual email notification to students with a link to the online documents attached.
3. Incorporates information about drug and alcohol policy and procedures in New Student Orientation.
4. Reserves the right to search the person, vehicle, and/or personal property of students when on the GSTC campus and/or while at a College-sponsored activity regardless of location, consistent with applicable law.

### Consequences for Violating Policy/Procedures

A student who violates the terms of this policy will be subject to disciplinary action in accordance with The ECSD Student Rights and Responsibilities Handbook's policy and procedures. At his or her discretion, the GSTC Principal or his/her designee may require any student who violates the terms of this policy to satisfactorily participate in a drug abuse awareness program or seminar conducted by member of the GSTC Counseling staff. For more severe infractions, the student may be required to complete an off-campus drug abuse rehabilitation program or an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued enrollment at GSTC.

### College-Wide

GSTC complies with the Drug Free Schools and Campuses Act (DFSCA) and applicable Department of Education requirements by instituting the following practices:

1. GSTC will conduct an annual review of the effectiveness of the Center's DAAPP. This activity will be the responsibility of the GSTC Principal and the administrative team. The review will be completed by June 30 of each year, and the DAAPP will be revised accordingly and prepared for fall term distribution.
2. Annual review information will be compiled to produce a biennial review as required by the Department of Education and the DFSCA.

### **Local, State & Federal Legal Sanctions**

It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession, sale, manufacture or distribution of alcohol or any other controlled substance is illegal under both state and federal drug laws. These laws are strictly enforced by GSTC or any law enforcement agency with jurisdiction on the GSTC campus. The ECSD Student Rights and Responsibilities Handbook also states students may not possess, use, or be under the influence of alcoholic beverages nor any narcotic or illegal drugs on campus or at district-affiliated activities or events.

Anyone found to be in violation of local, state or federal law will be criminally charged and will be subject to criminal prosecution, fine and/or imprisonment.

*A violation of any law regarding alcohol is also a violation of The ECSD Student Rights and Responsibilities Handbook and will be treated as a separate disciplinary matter by GSTC.*