

SUBSTANCE-FREE WORKPLACE

Creighton Community Public School is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end, Creighton Community Public School unequivocally endorses the philosophy that the school, students, and employees should be free from the detrimental effects of illicit drugs and alcohol.

It is unlawful and, therefore, absolutely prohibited for any employee of Creighton Community Public School to engage in the unlawful possession, use, or distribution of illicit drugs and/or alcohol on service unit premises or as part of any of the school's activities.

1. DEFINITIONS

As used in this policy, prohibition against the unlawful possession, use, or distribution of illicit drugs and/or alcohol on the school's premises or as a part of any of the school's activities shall mean, but not be limited to, the following:

- a. The possession, use, or distribution of any substance which is declared by the State of Nebraska or any other applicable law to be an illicit substance.
- b. The unlawful possession, use, or distribution of alcohol on service unit premises or as a part of any of the school's activities.

As used herein, the term "service unit premises" shall mean any property whether owned, leased, or in other manner under the control of the Creighton Community Public School.

As used herein, the phrase "as a part of any of the service unit's activities" shall mean any activity or enterprise carried out in whole or in part under the auspices of Creighton Community Public Schools.

2. PROCEDURES

- a. All employees and each new employee will receive a copy of this policy.
- b. Each employee will acknowledge receipt of this policy and will sign such form acknowledging receipt and acknowledging Creighton Community Public Schools' policy of absolutely prohibiting conduct as set forth in this policy, and further acknowledging that serious sanctions can and will be taken against an employee, including termination of employment and referral for prosecution for any failure to comply with the above-stated standards of conduct and further acknowledging that such compliance is mandatory, and further acknowledging that this policy is adopted pursuant to P.L. 101-226, 34 D.F.C., Part 86, and other applicable statutes, and will further acknowledge that failure to comply with such federal requirements may put Creighton Community Public School receipt of federal funds in jeopardy. A copy of the acknowledgement receipt is included in these Board Policies.
- c. In the event the employee does not understand the terms and conditions of this

- policy, it shall be the duty of the employee to ask for such points of clarification of the Administrator or his designee at the time this policy is distributed to the employee. If no questions are directed by the employee to the Administration or his designee it shall be the legal position of Creighton Community Public School to presume that the employee has understood and will abide by this policy.
- d. In the event of any non-compliance by any employee with this policy, it shall be the duty of the Administrator or his designee to inform any employee not in compliance about any drug and/or alcohol counseling and rehabilitation and re-entry programs that are available to employees within fifty (50) miles of the administrative offices of the District. If no such programs are available within 50 miles, then such other programs as may exist in the State of Nebraska shall be made known to such employee. The Administrator or his designee shall maintain a list of such available services and shall from time-to-time update such list.
- e. Sanctions which may be taken against an employee for non-compliance with this policy may be any one or more of the following:
- An oral reprimand
 - A written reprimand
 - Suspension with pay
 - Suspension without pay
 - Termination of employment
 - Cancellation of employment
 - Non renewal of employment
 - Referral to appropriate authorities for criminal prosecution.
 - Mandatory enrollment in in-patient care or otherwise as a term and condition to any continuing employment by the District.
 - Mandatory enrollment in any training programs that are available and related to the activities prohibited by this policy.
- f. Disciplinary action sought to be imposed by the Administrator or his designee shall be carried out in accordance with the established policies of Creighton Community Public School. However, nothing in this policy shall be construed to vest any right in any employee beyond that required by law and the manner in which each case shall be handled shall be in the sole discretion of the Administrator or his designee subject to the Administrator's approval, provided only that such action shall be carried out within the bounds of applicable law.
- g. Conviction of an employee of Creighton Community Public School of any criminal statute relating to the unlawful use, possession, or distribution of any controlled substance or alcohol, may result in disciplinary action being taken against such employee. When such conviction shall come to the attention of the Administrator or other official of the Creighton Community Public School, any employee convicted as above described may be disciplined in any manner provided by statute, the contract of the employee, any existing policy of Creighton Community Public School or any other applicable body of law. As used herein "applicable body of law" shall mean, but shall not be limited to, state and federal statutes, state and federal regulations, and any applicable case law.
- h. As an alternative to discipline or as a concurrent requirement to the disciplinary action less severe than the maximum disciplinary action that may be carried out

- against an employee as referred to the immediately preceding paragraph, Creighton Community Public School by and through its Administrator or his designee may require the employee to successfully finish a drug abuse program. As used herein, the term "drug abuse program" shall mean a drug abuse program sponsored by an approved private or governmental institution. Creighton Community Public School will not be responsible for any costs associated with attendance of the employee in such drug abuse program. The administrator or his designee may require the employee to provide the Administrator or his designee written documentation satisfactory to the Administrator or his designee that the employee has successfully finished such program. If aftercare is recommended by such institution, then the Administrator or his designee in his sole discretion may require the employee to enroll in such after care program and to participate in a manner satisfactory to the provider of such aftercare program. The Administrator or his designee may require an employee to participate in aftercare in the same manner and under the same terms as may be required by the Administrator or his designee. The Administrator or his designee may require on-going reporting of such participation as a term and condition of continuing employment by such employee at Creighton Community Public School.
- i. It shall be the policy of Creighton Community Public School to require an employee who has been charged or convicted of a violation of any statute as herein above referred to in this policy to report such charge or conviction to the Administrator or his designee. Any information received pursuant to this policy may be used in any lawful manner. Any employee having concerns about an admission hereunder constituting self-incrimination shall bear the burden of seeking his or her legal advice regarding any such potential self-incriminating.

3. REVIEW OF DRUG FREE POLICIES

It shall be the policy of Creighton Community Public School to review biennially its entire program pertaining to the prevention of the use of illicit drugs and /or the abuse of alcohol by employees to determine the effectiveness of the program and to implement such changes to the program as are deemed needed.

The Administrator shall undertake such study as is deemed appropriate to determine whether the program of Creighton Community Public School as herein above referred to is accomplishing its intended goals. If the Administrator determines that changes are necessary or desirable in the program, the Administrator shall, on or before the regular June meeting of the Board of Education present to the Creighton Community Public Schools such changes as are proposed by the administration in the program of Creighton Community Public School.

4. REPORTING VIOLATIONS OF DRUG FREE POLICIES

It shall be the policy of Creighton Community Public School to require the Administrator to keep a statistical report of all violations of policies and programs of Creighton Community Public School which prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on property of Creighton Community Public School or as a part of an activities of Creighton

Community Public School. The Administrator shall at least annually provide a report to the Creighton Community Public School consisting of at least the following:

- a. The date and nature of any incident of non-compliance with policies of Creighton Community Public School pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol by employees.
- b. The nature of any sanction carried out against any such person in violation of such policies.
- c. A brief description of any treatment, counseling, or rehabilitation that any such individual in violation of any such policy shall have undertaken and whether such undertaking was voluntary or involuntary.

5. DRUG ABUSE AWARENESS

It shall be the policy of the school district to endorse the philosophy that the school settings should be free from the detrimental effects of illicit drugs. The policy of the school district to insure employee safety and work place integrity and to act against the illegal manufacture, possession, distribution or use of controlled substances in the work place by our employees.

All employees of the school district and newly hired employees of the school district will receive a copy of this policy. In addition, each employee will receive a drug abuse awareness form which will state that it is unlawful to manufacture, distribute, dispense, possess or use a controlled substance in the work place. Each employee will sign and date this statement by certifying that they:

- 1) Understand and will abide by the drug free work place policy.
- 2) Have knowledge of the disciplinary actions which may be imposed for violation of the drug free work place policy.

The signed and dated statement will be permanently maintained in the employee's personnel file.

If any employee violates the drug free work place policy, disciplinary action may be imposed to the extent provided by law.

A drug free awareness program to inform employees about dangers of drug abuse in the school's policy of maintaining a drug free workplace, drug counseling, and penalties imposed for violations will be incorporated into activities planned for teacher workdays at the beginning of each school term.

DRUG ABUSE AWARENESS

I HAVE RECEIVED A COPY OF THE SCHOOL DISTRICT'S Drug Free Work Place Policy. I understand that any violations of this policy may result in disciplinary consequences,

I will abide by this policy.

Name _____

Date _____

- 1 - Please retain one copy for your file.
- 2- The original will be maintained in your personnel file.

Legal Reference: P.L. 101-226, Drug-Free Schools and Communities Act
Amendments of 1989,
41 U.S.C. §§ 701-707 (1994).
42 U.S.C. §§ 12101 et seq. (1994).
34 C.F.R. Pt. 86 (1996).

Cross Reference: 405 Employee Conduct and Appearance

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