



## Administrative Procedure 6025

# ***Illegal Possession and/or Use of Alcohol, Cannabis (Marijuana), Illicit or Non-Medical Use of Drugs and Intoxicating Substances***

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**Board Governance Policy Cross Reference:** [1](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

[Code of Conduct](#)

[Smoke and Vapour Free Environments](#)

[Interviewing Students in School](#)

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[Public Schools Act](#)

[Addictions Foundation of Manitoba](#)

[The Non-Smokers Health Protection and Vapour Products Amendment Act](#)

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**Date Adopted:** June 2005

**Amended:** December 2018

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The Brandon School Division is committed to creating a healthy environment in schools for learning and teaching. The illegal possession of and/or the use of alcohol, cannabis (marijuana), illicit, or non-medical use of drugs and intoxicating substances is considered to be incompatible with a healthy learning environment and with effective learning.

The Division forbids students to have active contact with, to have possession of, and/or to make use of alcohol, cannabis (marijuana), or illicit drugs in the context of any school-related activity and considers such contact to be a major offence which is to be dealt with firmly up to and including expulsion and/or legal action.

The Division forbids trafficking on Division property or at school sponsored activities with automatic expulsion for trafficking following determination by the Board.

All properties in the Division, including buildings, grounds and vehicles belonging to the Division, shall be smoke and vapour free environments for employees, students and visitors.

## Definitions

**“Intoxicants”** shall, for purposes of this Administrative Procedure, mean illicit or non-medical drugs, cannabis (marijuana), alcohol, intoxicating substances and the abusive use of medical drugs.

**“Illicit drug”** means a controlled substance or precursor, the import, export, production, sale, possession of which is prohibited or restricted pursuant to the “Controlled Drug and Substances Act.”

**“Illicit or Non-Medical Use of Drugs, Cannabis (Marijuana), Alcohol and Intoxicating Substances”** will hereinafter be referred to as intoxicants and/or illicit drugs.

**“Under the Influence”** A person shall be deemed to be under the influence of an intoxicant and/or illicit drug if that person exhibits a degree of impairment or that person has consumed an intoxicant and/or illicit drug.

A person shall be deemed **“in possession”** on school property or during co-curricular activities if:

- A person has an intoxicant/illicit drugs/contaminated paraphernalia when they have it in their personal possession, their locker or vehicle, or knowingly:
  - Has it in the actual possession or custody of another person, or
  - Has it in any place, whether or not that place belongs to or is occupied by them, for the use or benefit of themselves or of another person; or
- In a group where one person, with the knowledge and consent of the rest, has anything in their custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

**“Supplying/trafficking”** means in respect of an intoxicant and/or illicit drug as set forth herein:

- To sell, administer, give, transfer, transport, send or deliver the intoxicant and/or illicit drug;
- To sell a medical authorization to obtain the substance;
- To offer to do anything mentioned above.

It is the purpose of this Administrative Procedure to provide direction for the administration and staff of the Division in order to:

- Create and maintain a safe and healthy environment in the schools by keeping the use of intoxicants and/or illicit drugs out of the school environment;

- Assist students adversely affected by their own or other's intoxicant and/or illicit drug use to make healthy lifestyle choices and provide them with access to counseling and/or rehabilitative programming where appropriate;
- Provide all students with information that:
  - Increases awareness of the risks associated with intoxicant and/or illicit drug use thereby promoting abstinence and/or harm reduction;
  - Identifies and promotes the understanding of levels of involvement of intoxicant and/or illicit drug use and the appropriate intervention;
  - Acknowledges the legal implications of intoxicant and/or illicit drug use by students; and
  - Helps build awareness of the impact of their use or other's use of intoxicants and/or illicit drugs on relationships; and
- Provide the staff of Division schools with information and procedures concerning the preventative, early intervention, disciplinary and rehabilitative aspects of intoxicant and/or illicit drug use as they relate to users, non-users and affected others, in an attempt to establish a consistent approach across the Division.

The Division acknowledges its responsibility, in cooperation with students, parents and the community, to take appropriate action regarding intoxicant and/or illicit drug use by the students.

### **Prevention Through Education**

The Division accepts its role in the implementation of curriculum and provision of programs to assist in the prevention of intoxicant and/or illicit drug use among students. The aim of prevention should be to promote the development of awareness, positive attitudes and skills that will produce appropriate behaviour, responsible decision-making, effective problem-solving and increased self-esteem.

- **Programming**

The Division shall encourage and support quality programs/activities/services concerning healthy lifestyle choices. The Division shall be responsible for implementing the K-12 Physical Education/Health curriculum and introducing any other related programs.

- **Professional Development**

The Division shall be responsible for planning and assisting with professional development training for staff who will be implementing programs relating to intoxicant and/or illicit drug use. Professional development opportunities will be

provided for all teachers in all schools in order to heighten the level of awareness and knowledge of intoxicant and/or illicit drug use and to assist with early identification of associated problems.

The Division shall provide professional development for school administrators concerning the implementation of the procedures contained in the Administrative Procedure.

- **Communication**

This Administrative Procedure on intoxicants and/or illicit drugs shall be communicated to parents and students (with support from the *Addictions Foundation of Manitoba* (AFM) where appropriate) through such means as:

- School newsletters/pamphlets;
- Parent council/parent advisor council;
- Regulations regarding co-curricular activities;
- Public presentations; or
- Class/grade presentations.

## **Intervention**

The School Leader shall advise all staff that they are responsible for identifying students who, based on behaviour or performance, are suspected abusers of intoxicants and/or illicit drugs or are affected by someone else's use of intoxicants and/or illicit drugs and making the appropriate referrals.

The Division accepts its role with other community and law enforcement agencies in the management of intoxicant and/or illicit drug related incidents. The Superintendent/CEO or designate will provide appropriate consequences as outlined in this procedure for those students who possess intoxicants and/or illicit drugs or paraphernalia, are under the influence of, or traffic in intoxicants and/or illicit drugs while under school supervisions.

The Division will cooperate with appropriate community agencies in the referral to counseling and rehabilitation programming for students who use intoxicants and/or illicit drugs.

## **Under the Influence/Possession**

### **1. First Offence**

If a student is found in possession or appears to be under the influence of an intoxicant and/or illicit drugs, the staff member shall be responsible for immediately reporting the incident to the School Leader. The School Leader shall:

- a. Make a judgement as to whether the student needs emergency assistance and advise the parent(s) and/or guardian(s) of the situation;

- b. Detain the student in the School Leader's office, if possible, to:
  - i. Ascertain the nature of the problem;
  - ii. Check the student's pupil file for any previous offence;
  - iii. Notify the AFM Youth Worker and/or school counsellor and make a referral for a further assessment as soon as possible; and
  - iv. Make the student aware of the procedures to be followed as outlined in this administrative procedure;
- c. If deemed necessary, the School Leader shall inform the local police department of the situation. Attempts will be made to inform the parent or guardian that the offender may be interviewed by the police, allowing parents/guardians time to be present for the interview;
- d. If evidence is available, take possession of the physical evidence, preferably in the presence of a witness, and record specific details (date, time, items, persons present, and context). Evidence will be placed in a secure location. Police will be contacted and evidence will be turned over. School Leader discretion will be used in circumstances where police are not available;
- e. Where a violation of this procedure has occurred, the School Leader shall consider suspension of the student for a period of 3 to 10 school days. In exceptional circumstances, the violation may result in a suspension of less than 3 school days;
- f. A letter of suspension shall be sent to the parent/guardian or to the offender if they are 18 years of age or over. Included in the suspension letter shall be forewarning that an expectation for re-admission may be involvement with an appropriate counseling or rehabilitative program. The school may provide information about possible sources for appropriate counseling or treatment;
- g. For re-admission to school under this suspension, normally a student under 18 years of age must be accompanied by a parent/guardian for an interview with the school's administration. Parental involvement is also encouraged for those who are dependents, 18 years of age or over, and who are living at home;
- h. During the re-admission interview, the student and the parents/guardians may be provided with information about intoxicant and/or illicit drug use support services available through the school system, AFM and/or other appropriate community agencies; and
- i. The suspension may be appealed according to procedures outlined in the Administrative Procedure *Code of Conduct*.

## 2. Second Offence

The same procedures will be followed as outlined within the first offence and, at the discretion of the School Leader, may result in counseling, treatment, progressive discipline and/or police contact.

## 3. Further Offences

Where it is apparent that continued intoxicant and/or illicit drug use has detrimentally affected the education of the student or has been injurious to the welfare of the school and where the student has been suspended previously under this administrative procedure, the School Leader shall follow the above procedures. The period of suspension will be greater than the previous offence and no less than 10 days. If the Superintendent/CEO or designate supports a recommendation to the Board that the pupil be expelled, the suspension may be extended until a hearing has been conducted between the Superintendent/CEO or designate, the School Leader, the offender, and the parents/guardians and until a further decision has been given with respect to the recommendation for expulsion.

### **Supplying/Trafficking Offence**

Where there are reasonable grounds for suspecting that a student is trafficking or supplying intoxicants and/or illicit drugs on Division property or at school sponsored activities:

- a. The School Leader shall make a judgement as to whether the student needs emergency assistance and advise the parents and/or guardians of the situation;
- b. The School Leader shall detain the student in the School Leader's office, if possible, to ascertain the nature of the problem and make the person aware of the procedures to be followed as outlined in the Administrative Procedure;
- c. If evidence is available, the School Leader shall take possession of the physical evidence, preferably in the presence of a witness, and record specific details (date, time, item(s), persons present and context). Police will be contacted and evidence will be turned over. The School Leader shall attempt to advise the parent/guardian that the offender will be interviewed by police, allowing parents/guardians time to be present at the interview. Any interviews conducted will be in accordance with Administrative Procedure *Interviewing Students in School*.
- d. Where a violation of this administrative procedure has occurred, the School Leader shall consider suspension of the student for a period of 5 to 30 school days. Suspensions greater than 5 days shall be made in consultation with the Superintendent/CEO; and

- e. The Superintendent/CEO will review and may recommend expulsion of the student from the Brandon School Division by the Board of Trustees.

The police shall not conduct investigations in the schools except when it is absolutely necessary for them to do so in the proper discharge of their duties. They may secure the addresses of students in order to carry on investigations outside the school. When students have to be interviewed by the police, the School Leader of the school shall be present at the interview in the absence of the parent.