



## 4025 A

# Complaints, Investigations and Definitions *Regulation 4025 A*

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### **I. PURPOSE**

The purpose of this regulation is to establish complaint, report and investigation procedures for incidents involving violations of Policy 4025, Drug Free Workplace.

### **II. COMPLAINTS AND REPORTS: NON-VISITOR OFFENDERS**

- A. Any person who suspects that an employee, contractor, volunteer or other District personnel has violated the district policy regarding use, possession, manufacture, distribution or dispensation of drugs or alcohol on district premises or at district functions away from district premises shall make a report to the site administrator, principal, foreman or department head or event organizer immediately. In the absence of the site administrator, principal, foreman, department head or event organizer, the report shall be made to the person in charge of the location, site or event at the time of the report or complaint.
- B. The person who receives the report shall notify the District Office of Emergency Management, Safety and Security (EMSS) upon receipt of the report.
- C. The person who receives the report shall conduct an initial investigation with the support of the District EMSS Office as such support is possible.
1. If there is reason to believe that a crime is or has been committed, or that an emergency situation exists, the investigating person shall immediately notify the school resource officer, if at a school; or in their absence or unavailability, or if at a location where no resource officer is assigned, to a local law enforcement department.
  2. If there is no reason to believe that a crime is being or has been committed, and that no emergency situation exists, the investigating person shall investigate the report by questioning the reporter, the subject of the complaint or report, and any witnesses. Statements may be received in writing, or verbally, however verbal statements shall be reduced to writing as soon as is practicable. Information sought may include:
    - (a) Incident information:
      - i. details of the alleged violation
      - ii. damage to persons caused by the violation
      - iii. damage to or loss of property



- iv. cost of the incident to the district
  - v. cost of the incident to the victim(s) if any.
  - (b) Offender information
    - i. the name and address of the alleged offender;
    - ii. the offender's status as employee, contractor, volunteer, other District personnel or student;
    - iii. the offender's school of enrollment, if a student;
    - iv. whether or not the offender was, at the time of the incident, under school expulsion or suspension;
    - v. the offender's department, location or school of assignment;
    - vi. whether or not the offender was, at the time of the incident, under suspension or on leave of absence.
  - (c) Information about the victim(s), if any, including:
    - i. names and addresses of the victim(s)
    - ii. age(s) of the victim(s); name of parent if a minor
    - iii. the victim(s)'s status as student or non-student;
    - iv. the victim(s)'s school of enrollment, if a student;
    - v. whether or not the victim(s) is/are employed by the District;
  - (d) Information gathered about district students shall be considered educational data and subject to protection from disclosure as is other educational data.
- D. If the person conducting the investigation has reason to believe that the subject of the complaint or report is under the influence of alcohol or drugs, and the subject's job requirements include supervision of or work with students, the investigator will immediately remove the subject from that responsibility, providing for student safety.
- E. If the person conducting the investigation has reason to believe that the subject is under the influence of drugs or alcohol at the time and the subject is an employee, contractor or other district personnel the investigator shall consult with the Employee Relations Department and the EMSS Department to determine where and how the employee, contractor or other District personnel shall be directed for alcohol or drug testing.
- F. If the person conducting the investigation has reason to believe that the subject is under the influence of drugs or alcohol at the time and the subject is a volunteer, the person investigating shall require that the volunteer leave the premises or location immediately, unless doing so will place the public or the subject at risk. If, in the opinion of the investigator the subject is not able to safely leave the premises, the investigator and the EMSS department shall follow the emergency plan for the location to remove the person safely.



- G. If the person conducting the investigation has reason to believe that the subject is not under the influence of drugs or alcohol at the time, the investigator shall consult with the District EMSS and Human Resources Department to determine whether the employee, contractor, volunteer or other district personnel shall be relieved of their responsibilities, referred for testing, reassigned, or placed on leave or other disciplinary action taken.

### **III. COMPLAINTS AND REPORTS: VISITOR OFFENDERS**

- A. Any person who suspects that a visitor to district premises, facilities or off-site school activities has violated the district policy regarding use, possession, manufacture, distribution or dispensation of drugs or alcohol, shall make a report to the site administrator, principal, foreman, department head or event organizer immediately. In the absence of a person in charge of the facility or event, the report shall be made to any district representative.
- B. The person who receives the report shall notify the Emergency Management, Safety and Security (EMSS) Department upon receipt of the report.
- C. The person who receives the report shall conduct an initial investigation with the support of the District EMSS Department as such support is possible.
1. if the visitor suspected of violation is posing no apparent immediate threat to safety of any person, the person receiving the report, the representative of EMSS or the school resource officer will inform the offender of the policy and request that the visitor leave the premises.
  2. If the offender does not willingly comply with this request, the person receiving the report or the representative of EMSS will request assistance from the school resource officer or local law enforcement officers to escort the offender from the premises.
  3. In the event that the visitor is posing a threat to any person, the site administrator shall follow the site emergency plan.
- D. The investigator shall consult with the site administrator, principal school resource officer and EMSS department to determine whether the subject should be notified that they are prohibited from returning to district premises.

### **IV. COMMUNICATION**

- A. The principal, department head, or site administrator shall work with the appropriate Superintendent, Chief Officer and the Communications and EMSS departments to communicate appropriately about the incident with the student body, the parents of students, and the school community.



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- B. The EMSS department will convene an after-event review committee when such a review will add to the emergency and response preparedness of the district. Findings and recommendations from such a review shall be shared with the school or district community appropriately.

**V. DEFINITIONS**

- A. “Alcohol” means any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor or alcohol-containing liquid.
- B. “Contractor” means a person acting as an independent worker who provides services to the district, its departments, divisions or schools for compensation, in whatever form, under a contract between the parties, or a person who is hired or working for an independent contractor.
- C. “Controlled Substances” includes narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues, synthetics and look-alike drugs.
- D. “District property” means
1. any school building or grounds, whether leased, rented, owned or controlled by the District;
  2. any building, facility or grounds whether leased, rented, owned or controlled by the District;
  3. locations of school activities or trips;
  4. bus stops;
  5. school buses or school vehicles, whether owned or contracted;
  6. the area of entrance or departure from school events or premises;
  7. all locations where school-related functions are conducted, and
  8. any where students are under the jurisdiction of the District.
  9. during any period of time such an employee is supervising students on behalf of the District or otherwise engaged in District business.
- E. “Drug” includes all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either humans or other animals.
- F. “Employee” means a person, who performs services for compensation, in whatever form, for the district or any of its divisions or departments.
- G. “Manufacture” means and includes with regard to drugs the :
1. production,
  2. cultivation,



3. quality control and standardization by mechanical, physical, chemical or pharmaceutical means,
  4. packing, repacking,
  5. tableting,
  6. encapsulating,
  7. labeling,
  8. relabeling.
- H. “Other District personnel” means any person found on district premises due to their status as an elected member of the Board of Directors, appointment by the board or superintendent as a member of a board or superintendent advisory council or committee, or elected but as yet unseated or unsworn member of the Board of Directors.
- I. “Paraphernalia” means all equipment, products, and materials of any kind which are knowingly or intentionally used primarily in
1. manufacturing a controlled substance;
  2. injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or drug.
  3. testing the strength, effectiveness, weight or purity of a controlled substance or drug; or
  4. enhancing the effect of a controlled substance or drug.
- J. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- K. “Safety-sensitive position” means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.
- L. “School” or “school zone” means
1. any property owned, leased or controlled by the District where
    - a. a pre-kindergarten, elementary, middle or secondary school is located, or
    - b. the property is used for educational purposes, or
    - c. the property is used to provide extracurricular or cocurricular activities for the students of the District.
  2. the area surrounding school property as described in clause (1) to a distance of 300 feet or one city block, whichever distance is greater, beyond the school property;
  3. the area within a school bus, whether owned or contracted, or other vehicle when that bus or other vehicle is used for the purpose of transporting one or more students to or from school or school activities.
- M. “Sell” means any of the following, including offering or agreeing to do any of the following, and/or possessing with the intent to do any of the following:
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1. to exchange for money,
  2. to give,
  3. to barter for,
  4. to exchange,
  5. to deliver,
  6. to distribute or dispose of to another,
  7. to manufacture.
- N. “Toxic Substances” means substances that are used or possessed with the intent of inducing intoxication or excitement of the central nervous systems including, but not limited to:
1. glue;
  2. cement;
  3. aerosol paint;
  4. gasoline;
  5. paint thinners;
  6. aerosol delivered cleaners or dust removers.
- O. “Use” means any of the following, whether or not for the purpose of receiving remuneration or consideration:
1. selling;
  2. buying;
  3. manufacturing;
  4. distributing;
  5. dispensing;
  6. possessing;
  7. using; or
  8. being under the influence of the substance.
- P. “victim” means a person who is approached, enticed or otherwise sought to be engaged in the use of prohibited substance.
- Q. “Volunteer” means an adult person performing services to or for the district or its students or staff without compensation, who has undergone district approved training as a volunteer.

***Legal References:***

Minn. Stat. § 121A.05 (Referral to Police)

Minn. Stat. § 609.605 (Trespass)

Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)

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. §§ 701-707 (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:***

MPS Policy 4025 (Drug-Free Workplace)

MPS Policy 5631 (Drug-Free Schools)

MPS Policy 6680 (Safety, Security and Emergency Management)

MPS Regulation 4025 B (Alcohol and Drug Testing: Employees)