



# KEARSNEY COLLEGE

*Founded in 1921*

## ***Prohibited Substances Policy***

*Approved by the Board of Governors and effective from: **Friday 27 October 2017***

### **1. APPLICABILITY OF THIS POLICY**

- 1.1 This policy applies to the possession, use and dealing by a pupil in Prohibited Substances, whether on the College property, in connection with College activities or where the possession, use and/or dealing may have a negative impact on the College, its status or reputation by the association of the pupil and such activity to the College.
- 1.2 Prohibited Substances include both Illegal Drugs and Prohibited Performance Enhancing Substances.

### **2. DEFINITIONS**

The following words shall have the following meanings in this policy:

- 2.1 **"Illegal Drug"** means:
  - 2.1.1 any unlawful substance that has a psychological or physiological effect; or
  - 2.1.2 any substance having such effect that is possessed unlawfully; or
  - 2.1.3 any substance, the possession, use or dealing in which is prohibited without a medical prescription or legal authorisation;
- 2.2 **"Prohibited Performance Enhancing Substance"** means any substance on the latest applicable List of Prohibited Substances and Methods as compiled and published by WADA from time to time, and includes steroids;
- 2.3 **"Prohibited Substance"** means any substance that it is unlawful for a pupil to possess or use, and includes any Illegal Drug and any Prohibited Performance Enhancing Substance;
- 2.4 **"SAIDS"** means the South African Institute for Drug Free Sport;
- 2.4 **"WADA"** means the World Anti-Doping Agency.

### **3. INTRODUCTION: ILLEGAL DRUGS**

- 3.1 Pupils in South African schools are being targeted as potential Illegal Drug users through powerful and highly sophisticated international, national and local drug syndicates.
- 3.2 Pupils are vulnerable. Substantial pressures are exerted and, unfortunately, increasing numbers of young people are succumbing to these pressures with disastrous consequences for the person concerned, his family, his school and his country.
- 3.3 The availability of Illegal Drugs is a key issue. Pupils no longer need to seek out Illegal Drugs, their availability is a current social reality.
- 3.4 Illegal Drug usage impacts negatively on a pupil's opportunity to learn as all Illegal Drugs damage the cognitive capability and wellbeing of the user.
- 3.5 The College wants to help its pupils to resist the pressures and to put in place a system to counter the increasing availability and prevalence of Illegal Drugs.

### **4. APPROACH**

- 4.1 The College's approach to the Illegal Drugs scourge is threefold:
  - a. Illegal Drug awareness: to ensure that pupils, staff and parents are aware of the dangers of Illegal Drug abuse and to create a social ethos where Illegal Drug taking is viewed as unacceptable;
  - b. zero tolerance for Illegal Drugs at school: possession, use or sale of Illegal Drugs on the College campus are serious offences and will lead to formal disciplinary steps being taken against offenders; and
  - c. preventative: testing for Illegal Drugs.

### **5. SANATORIUM**

- 5.1 So as to ensure that all medical prescription drugs are used for the purpose intended, all medical prescription drugs are to be kept in the College's Sanatorium under the control of the Sanatorium sisters.
- 5.2 No pupil shall be entitled to be in possession of medical prescription drugs, even if the pupil has a medical prescription or legal authorisation to possess the drug, unless a written authorisation for the possession of the drug has been obtained from a Sanatorium sister.
- 5.3 Medical prescription drugs in the possession of a pupil without the written authorisation shall be deemed to be the possession of an Illegal Drug.

### **6. AWARENESS**

- 6.1 The whole school community (pupils, staff and parents) should be party to the College's anti-Illegal Drugs initiative. Education as to the Illegal Drugs situation in our society is important, as is an awareness of the rationale behind the College's prohibited substances policy.

- 6.2 The aim is to create an ethos in the College's community where there is an understanding of the dangers of Illegal Drug use and Illegal Drug taking is seen as unacceptable.

## **7. SERIOUS OFFENCES**

- 7.1 The following are serious offences and a breach of the College's Code of Conduct, and will lead to formal disciplinary steps being taken against offenders:
- a. possession, use and dealing by a pupil in Illegal Drugs without a medical prescription or legal authorisation;
  - b. possession, use and dealing by a pupil in Illegal Drugs for purposes other than to treat the medical condition for which they have been prescribed or for which the possession, use and dealing is legally authorized, whether on College property, in connection with College activities or where the possession, use and/or dealing may have a negative impact on the College, its status or reputation by the association of the pupil and such activity to the College.
  - c. possession of medical prescription drugs, even with a medical prescription or legal authorisation, without the written authorisation of a Sanatorium sister.

## **8. TESTING FOR ILLEGAL DRUGS AND SEARCHES**

- 8.1 The College believes it must have early warning systems in place to assist in combating the Illegal Drugs scourge.
- 8.2 Illegal Drug testing or searches may not be specifically aimed at catching individual users for the purpose of punishment.
- 8.3 Illegal Drug testing and searches may be both random and specific.
- 8.4 It is important that the testing and searches should not be seen or experienced by the pupils involved as demeaning or threatening in any way. Respect with regard to the pupils is paramount.
- 8.5 The rationale behind the Illegal Drug testing and searches is very much to protect the interests of the pupils. Empathy and understanding will be shown and advice and support will be given.

## **9. TESTING FOR ILLEGAL DRUG AND SEARCH PROCEDURES**

### **TESTING FOR ILLEGAL DRUGS**

- 9.1 Where there is a reasonable suspicion (including as a result of unusual behaviour, poor work ethic or other possible indications of Illegal Drug use) a pupil will be selected for testing. The parents will be informed wherever possible and the testing will be arranged by the College.
- 9.2 The test will be administered:
- a. by a person of the same gender as the pupil;
  - b. in a private area and not in the view of another pupil; and
  - c. in the presence of an adult witness of the same gender as the pupil.

- 9.3 All reasonable steps will be implemented to avoid any possible contamination of samples taken from the pupils who present themselves for testing.
- 9.4 Within 1 working day, if practicable, the Headmaster or his delegate will inform the pupil's parents that a random Illegal Drug test was administered on the pupil.
- 9.5 The Headmaster or his delegate will inform the pupil and his parents of the result of the test as soon as possible after it becomes available. Strict confidentiality will be observed.
- 9.6 The cost of specific testing will be borne by the College save where the tests are positive, in which event the College may recover the costs thereof from the parents of the pupil concerned.
- 9.7 The Headmaster or his delegate may also at random administer a Drug test, to randomly selected pupils. The provisions of paragraphs 8.2 to 8.5 will apply to any such tests. The cost of an initial random testing will be for the College's account, unless the test is positive, in which event the cost of the testing will be borne by the parents of the pupil concerned.

#### **SEARCHES FOR ILLEGAL DRUGS**

- 9.8 Specific Illegal Drug searches and seizures: where there is a reasonable belief of a link between an illegal activity and a pupil, that pupil will be searched.
- 9.9 Random Illegal Drug searches: The Headmaster or his delegate may at random search any pupil, group of pupils, or the property of a pupil or group of pupils, for any Illegal Drugs, if there is fair and reasonable suspicion that:
- a. an Illegal Drug may be found on the College premises or during a school activity; or
  - b. one or more pupils are in possession of an Illegal Drug on the College premises or during a school activity.
- 9.10 A body search will only be done:
- a. by a person of the same gender as the pupil;
  - b. in a private area and not in the view of another pupil; and
  - c. in the presence of an adult witness of the same gender as the pupil.
- 9.11 A body search will not extend to a search of the body cavity of the pupil.
- 9.12 Within 1 working day, if practicable, the Headmaster or his delegate will inform the pupil's parents that a search and seizure was done in respect of the pupil.
- 9.13 Any Illegal Drug found in a pupil's possession will be seized in terms of the Regulations Relating to Safety Measures at Independent Schools, published in the Government Gazette GN 975 of 20 August 2004.

#### **10. INTRODUCTION: PROHIBITED PERFORMANCE ENHANCING SUBSTANCES**

- 10.1 There is a growing use and abuse of Prohibited Performance Enhancing Substances in South Africa and globally.
- 10.2 The desire to achieve an enhanced body image, to succeed on the sports field, or to play for the top school, provincial or national teams is a strong and often over-riding motivator and influence in the

lives of adolescent boys. This can cause boys to risk their short and long-term health by using Prohibited Performance Enhancing Substances as a shortcut to meeting these goals.

10.3 The College subscribes to the philosophy of encouraging a well-balanced diet first and foremost, making the use of Prohibited Performance Enhancing Substances, such as steroids, unnecessary.

10.4 Moreover, the use of Prohibited Performance Enhancing Substances without a medical prescription is a criminal offence, is cheating and is a violation of the honesty and integrity of fair participation.

## **11. APPROACH**

11.1 The College's approach to Prohibited Performance Enhancing Substances is threefold:

- a. awareness: to ensure that pupils, staff and parents are aware of the dangers of using and taking Prohibited Performance Enhancing Substances and to create a social ethos where the taking of such substances is viewed as unacceptable;
- b. zero tolerance for Prohibited Performance Enhancing Substances at school: possession, use or sale of Prohibited Performance Enhancing Substances on the College campus are serious offences and will lead to formal disciplinary steps being taken against offenders; and
- c. preventative: testing.

## **12. AWARENESS**

12.1 The whole school community (pupils, staff and parents) should be party to the College's initiatives in relation to Prohibited Performance Enhancing Substances. They must be fully educated as to the potential negative impact of the use thereof and be aware of the rationale behind the College's Prohibited Performance Enhancing Substances policy.

12.2 The aim is to create an ethos in the College's community where there is an understanding of the dangers of the use of Prohibited Performance Enhancing Substances and that taking them is seen as unacceptable.

## **13. SERIOUS OFFENCES**

13.1 It is a violation of the College's Code of Conduct for any pupil to:

- a. possess, ingest or otherwise use any Prohibited Performance Enhancing Substance, without a written prescription from a fully-licensed physician (recognised by the Health Professions Council of South Africa) for the purposes of treating a medical condition; or
- b. ingest or otherwise use any Prohibited Performance Enhancing Substance in respect of which the pupil has a written prescription from a fully-licensed physician (recognised by the Health Professions Council of South Africa), for purposes other than to treat the medical condition for which it has been prescribed; or
- c. sell, distribute or otherwise trade in Prohibited Performance Enhancing Substances on the

College's property, in connection with the College's activities, or where the sale, distribution or other trading may have a negative impact on the College, its status or reputation by the association of the pupil and such sale, distribution or other trading to the College.

- 13.2 Any pupil in violation of the College's Code of Conduct will be liable to appear before a disciplinary hearing and could face possible expulsion or dismissal from the College.

#### **14. TESTING AND SEARCHES FOR PROHIBITED PERFORMANCE ENHANCING SUBSTANCES**

- 14.1 Testing and searches for Prohibited Performance Enhancing Substances will be undertaken in accordance with paragraphs 8.1 to 8.12 and paragraph 13.5 of this policy.

- 14.2 Failure to undergo a test will render the pupil ineligible to participate in any sports programme whether at an inter-house or inter-schools level.

- 14.3 Testing and searches can be conducted at any time of the year: pre-season, during a particular season or post-season.

- 14.4 Testing and searches are not restricted to participants in any one particular sport.

##### **14.5 Testing by SAIDS**

- a. Testing for the use of Prohibited Performance Enhancing Substances may also be done by SAIDS in accordance with its procedures and protocols.
- b. Any violations detected by SAIDS will be dealt with both by the College under this policy and also by SAIDS and the pupil will be subject to both levels of sanction.

##### **14.6 Sports supplements**

- a. Pupils should be aware that many sports supplements may contain Prohibited Performance Enhancing Substances because of the unregulated nature of the sports supplement industry. Impure sports supplements may lead to positive test results because their purity and safety cannot be guaranteed.
- b. The contamination of sports or other nutritional supplements will not be accepted as a valid explanation or excuse for a test result which is positive for the use of prohibited Prohibited Performance Enhancing Substances.

- 14.7 Any Performance enhancing Substance found in a pupil's possession will be seized in terms of the Regulations Relating to Safety Measures at Independent Schools, published in the Government Gazette GN 975 of 20 August 2004.

#### **15. COUNSELLING AND FOLLOW UP TESTS**

- 15.1 The parents of any pupil found to be in contravention of this policy will be required to arrange counselling for their son and advice in this regard will be offered by College.

- 15.2 Any pupil who has tested positive for the use of any Prohibited Substance will also be required to undergo a follow-up test or tests. The timing of these tests will depend on the substance involved.

- 15.3 The cost of the counselling and the follow-up tests will be borne by the pupil's parents.
- 15.4 If a pupil tests positive a second time for the use of any Prohibited Substance, or if the pupil is uncooperative and/or progress in rehabilitation is not being made, he will become subject to more serious disciplinary action, including expulsion.

**16. RECORDS**

Records of all Prohibited Substance test results will be kept, in confidence, by the Headmaster. The Headmaster will not make any public disclosure of individual test results.

**17. CONTRAVENTIONS AND SANCTIONS**

In many instances, a Prohibited Performance Enhancing Substance may (by its definition in this policy) be both a Prohibited Performance Enhancing Substance and an Illegal Drug. The College will deal with any violation of this policy in connection with a Prohibited Substance which is both an Illegal Drug and a Prohibited Performance Enhancing Substance (as defined), as a violation of whichever part of this policy it considers appropriate.

**18. AMENDMENTS**

This Policy may be amended from time to time by the College at its sole discretion.