

Opinion of the CdE on the administration's new drug policy proposal

" Clarification of EEB1 drug policy: We believe that the use of drugs at our school should not result in a strictly punitive measure, but rather in a cooperation between the school and the student (and parents) that help the student in question. We believe in corrective punishments, that means we aim for punishments not to create a division between the student and the administration, but rather unity and understanding, as is the mission of EEB1. We will use the drug policy of EEB2 as precedent - they have already set out clear guidelines for what happens when a student is caught with drugs, and this proved beneficial for everyone. In addition, advocate against random bag checks like Lux I has. "

- From this year's CDE program for 2018-2019.

The Pupil's Committee, after the necessary consultation with its constituency, has come to the consensus that the proposed drug policy is not in the best interest of the students. The following misgivings, some of which are also shared by the parents, are expressed;

a) The wording "zero tolerance", in its traditional meaning means that the administration does not look at, treat each case differently, but rather immediately and apply a blanket sanction. We understand that the policy is not one of zero tolerance, but to avoid any misunderstanding we think it is important that it be clarified, and maybe replaced with "zero acceptance".

b) When considering the responsibilities clause, the students are afraid that "Everyone" includes them, since they are not explicitly exempt from that requirements. This would mean that students would be forced to report their fellow students, and punished if they do not as accomplices, which we think is not the right way to go about developing a symbiotic system for the issue at hand.

c) We wish that it be clarified, that according to Belgian and European law, student's bags are not to allowed to be searched without the permission of the student or the student's parents. The administration should not apply pressure, use threats (legal or otherwise) to force a student/parent to agree to a bag (private property) search.

d) While we recognize that the school cannot diverge from Belgian law in its actions, we express misgivings about reporting students to the police if caught. Moreover, filing a legal action on behalf of a student who is caught receiving drugs from a friend or buying drugs from a dealer against the friend or dealer is something we cannot support, and is something that the school is not legally forced to do either. 63% of students agreed that they do not want to be reported to the police and a legal action filed on behalf of them against their friend or dealer if caught.

e) We find the "scale of punishments" very problematic. We uphold that every member of the school has the inalienable right to informally talk to a student if he or she takes drugs, gets drunk, smokes, etc should they wish so. However, we feel that certain punishments for certain actions are legally and morally flawed. Firstly, the school clearly has no jurisdiction outside of school – even though we agree that it may give a bad image or send the wrong message to younger students, the school has no right to punish students outside of its gates. We question the validity of "pro-drug propaganda"; it is a limitation on freedom of speech, and students feel that it is a blanket term, under which they could be punished for. Furthermore, "Community service related to drug prevention" has no basis for "pro-drug

propaganda”, since the act you would be punishing for is in fact, not illegal under Belgian or European law. Additionally, we do not understand why “Request medical intervention if necessary” is in the scale of punishments for “pro-drug propaganda”. The only example we received of “pro-drug propaganda” is a t-shirt with a weed icon, which we consider dubious to say the least. Finally, we believe that the simple possession of alcohol and cigarettes in one’s bag, as long as not used (smoked or drank) on school grounds, should not be punished, as it does not harm anyone and is not criminalized under Belgian law.

f) We regret to see a lack of protection for students who take medicinal weed, that is CBD¹. It is taken for anxiety, epilepsy, panic attacks and more, as such we propose that there be a clause indicating that the oil form of CBD is allowed to be taken by students.

g) We wish for “proven suspicion” to be clarified. We are of the opinion that, the standard of evidence should be a legally viable one, such as preponderance of evidence or guilt beyond reasonable doubt, with the CdE supporting the latter as the best alternative. We are worried that “proven suspicion” carries no actual legal background and that as such it gives excess power to the administration to punish as they see fit.

h) We feel that the document tries its best to be a legally binding one, however it comes across more as a guideline, and there is a lack of legal certainty throughout. It is self-evident that if this document wishes to set down clear consequences and procedures, it needs to be made legally sound with the help of lawyers.

j) The document is not reciprocal towards the administration. We feel that this document attempts to set out the consequences and procedures for students but does not do so for the administration. It gives the administration free reign in their procedures that should otherwise be clearly set out for the benefit of all of the school community, for example we believe there should be a clause preventing the administration from threatening students during interrogations. We continue to believe that EEB2’s drug policy works much better not only in this, but all the aforementioned aspects.

If these jurisdiction and issues are not clarified, we fear it may lead to a generally ineffective drug policy, due to the division created between the students, parents and the administration, the cases about to ensue and even the voidance of the policy at the Complaints Board. We fear it is not in the best interest of the school community, and thus we cannot support in its current form.

¹ <https://www.menshealth.com/health/a22126593/what-is-cbd-oil/>