

## Report to Advisory Committees – Drug Screening

Fall Meeting

October 6, 2011

Good morning and welcome. As I say at each of these meetings, the input we receive from advisory committees is so important in helping us to assist students in preparing for the world of work and life. We appreciate and value your input.

As you drove in, you were met with something new to campus since our last meeting. A sculpture of an eagle taking flight that symbolizes graduates leaving Linn State Technical College. At the base, a plaque reads as follows:

### **LSTC Eagles...**

... have ATTITUDES that allow them to soar to the top of their fields.

... are distinguished EXAMPLES in their professions, communities and personal lives.

... sustain exceptional SKILLS to persevere and flourish.

... are ADAPTABLE to diverse locations and environments.

We want your help in developing LSTC Eagles.

Our topic today is an update on drug screening and a request for your support and financial assistance. The mission of Linn State Technical College (LSTC) is to

prepare students for profitable employment and a life of learning. Based on discussion among industry advisors to the college and the number of our graduates going into positions where drug testing is a matter of routine, in 2008 the college sent a survey to 333 members of program advisory committees. The question was asked “should LSTC consider drug testing all students?” The response rate was 49% or 163. One hundred thirty-five or 83% responded yes. With that in mind, LSTC began considering with legal counsel the possibility and ramifications of a drug testing program. After a great deal of consideration and attempting to anticipate the ramifications as well as keeping in mind we are an educational institution that is preparing students for the world of work, a program was implemented for all new students to the college this fall semester. Students were told when they were recruited that they would be drug tested. They and their family members were told at orientation and again when classes began. A request for waiver option was offered. The collection and interpretation was conducted by a professional company. Due to a temporary restraining order, we have not seen the results.

Since the college is an educational institution, one of the features is that if the first test is positive, a student will be provided assistance to clean up and be retested in approximately 45 days. Should they test positive the second time, they would be withdrawn from the college. It is our belief the second positive would indicate that they were not planning or capable of cleaning up and that we should not waste their time and money; taxpayer money; or endanger them as well as others on the campus regardless of the program.

The college was warned by the American Civil Liberties Union (ACLU), the Missouri Civil Liberties Association (MOCLA) and the Students for Sensible Drug Policy (SSDP) that if the college were to continue, it would be sued. Legal counsel contacted all three of the organizations and requested that they consult with the college as to what the respective organizations thought might be reasonable. The college conducted the first test on September 7, 2011. On September 14, 2011, the ACLU filed a federal lawsuit. The judge granted a temporary restraining order against the process. A hearing is scheduled on October 25.

National media picked up on AP articles that have gone coast to coast as well as Hawaii and the United Kingdom. More than 200 pick ups. Mainline media in general has been factual and supportive. In the AP article of September 7, the last paragraph is one of our students saying, "I don't think a lot of us are bent out of shape," he said. "I think it's a good idea. It helps us prepare for the real world." The last paragraph of an article appearing in a publication in the Northeast reads: I will leave you with this last quote from a student at Linn State: "I don't think a lot of us are bent out of shape. I think it's a good idea. It helps us prepare for the real world." I guess that's what they teach you down south nowadays, how to bend over and allow your civil liberties be violated. An expression of student values from a New York State student reacting to the statement of values expressed by a student at Linn State. Both published. Both from state institutions. One from a campus proud to have banned smoking tobacco. The other from a campus addressing the use of illegal drug use.

As the result of three days of campus recruiting, the ACLU was successful in getting six (now five) students to serve as plaintiffs. Students for Sensible Drug Policy are in hopes of establishing a chapter at LSTC.

The drug testing program was implemented in the spirit of what is best for our students based on our mission and the environment students are in from the standpoint of safety and preparation for employment.

Since the filing of ACLU's suit, Linn State continues to receive overwhelming comments of support from business and industry for the drug screening program.

"Our industry advisors and friends have guided us and supported us through this process and recognize that we're a small institution that's been brought into an expensive legal battle."

Since the infancy of the program, Linn State has worked closely with legal counsel to design and administer a responsible drug screening program that protects both students and their rights.

Kent Brown, legal counsel for Linn State, has said "Linn State Technical College takes seriously its responsibility to deliver quality technical education to Missouri students while exploring every available avenue to protect and prepare those students to compete effectively in occupations where pre-employment drug testing is quickly becoming the norm,"

He goes on to say “In the designing of the program, the college made every effort to protect the rights of students by providing for numerous levels of due process and allowing students who objected to the program to request to be excused from testing.”

According to Mr. Brown a legal defense would not have been necessary had the ACLU responded to the College’s attempts to involve them in the design and administration of a responsible drug screening program that would protect both students and their rights. Mr. Brown is here today.

As the college prepares its legal defense, Linn State supporters recognize the college’s need for funds to cover the cost of legal fees. “With a number of our stakeholders wanting to provide their help and assistance, we believe it’s in our best interest to provide a vehicle separate from current financial arrangements by which our supporters can help us financially with our legal defense.”

Linn State has set up a legal defense fund with Central Bank in Jefferson City to which any person can donate any amount of money they choose to give.

- Donations are tax deductible.
- Donors may remain anonymous. Please indicate your desire to do so on your check if you wish to remain anonymous.

The person’s name and bank address are on a copy of the press release as well as how to make out the check.

In closing, we believe we are doing what is best for our students in light of the environment they are in from the standpoint of safety and preparation for the world of work. We also believe we are doing what is best for the taxpayer as well as business and industry.

We need your help. Vocally and in writing continue to support us. Open your checkbooks and contribute to the legal defense fund.

At this time, are there questions for Mr. Brown or me? We will only answer those we are comfortable in answering at this stage of the lawsuit.