



Authority <b>Board of Governors</b>
Title <b>Drug and Alcohol Education Policy</b>
Responsible Office <b>Legal Counsel</b>
Subject <b>Illegal Drugs</b>
Applies to <b>Faculty, Staff and Students</b>

**History:** First issued: January 15, 1988. Last revised:

**Additional References:** The UNC Policy Manual, 1300.1, Illegal Drugs Policy; Student Handbook, Faculty Handbook

**Related Policies:** SPA Discipline and Dismissal Policy, Employment Policies for EPA Non-faculty Employees, Employee Assistance Program

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## 1. POLICY STATEMENT

The basic mission of North Carolina Agricultural and Technical State University is to provide an educational environment that enhances and supports the intellectual process. The academic community, including students, faculty and staff has the collective responsibility to ensure that this environment is conducive to healthy intellectual growth. The illegal use of harmful and addictive chemical substances and the abuse of alcohol pose a threat to the educational environment. The University will take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs and the abuse of alcohol from the University community.

Thus, this Drug and Alcohol Education Policy has been developed to assist members of the University community in their understanding of the harmful effects of illegal drugs and alcohol abuse; of the incompatibility of illegal drugs and the abuse of alcohol with the educational mission of the University; and of the consequences of the use, possession or sale of such illegal drugs and the abuse of alcohol, including the violation of applicable laws.

The policy incorporates five components:

- Education
- Health Risks
- Rehabilitation

- Sanctions
- Dissemination and Review

## **2. EDUCATION**

It is the intent of the Drug and Alcohol Education Policy of North Carolina Agricultural and Technical State University to insure that all members of the University community (students, faculty, administrators, and other employees) are aware that the use, sale and/or possession of illegal drugs and the abuse of alcohol are incompatible with the goals of the University. Moreover, each person should be aware that the use, sale or possession of illegal drugs and the abuse of alcohol are, as more specifically set forth later in this policy, subject to specific sanctions and penalties.

All members of the University family are reminded that in addition to being subject to University regulations and sanctions regarding illegal drugs and the abuse of alcohol, they are also subject to the laws of the state and of the nation. Each individual is also reminded that it is not a violation of “double jeopardy” to be subject to the terms of this policy as well as the provisions of the North Carolina General Statutes.

Each member of the University community is asked to pay particular attention to the full consequences of the sanctions specified in this policy as well as the consequences of the North Carolina criminal law referenced above. Certain violations may jeopardize an individual’s future as it relates to continued University enrollment or employment, depending on individual circumstances.

Further, it is a policy of the University that the educational, legal and medical aspects of this issue be emphasized on an annual basis through the provision of programs and activities. Student Affairs and Human Resources will work collaboratively to provide these programs and activities.

## **3. HEALTH RISKS**

Health risks associated with the use of illicit drugs and the abuse of alcohol are varied depending on the specific substance involved and the individual abuse pattern. These risks include, but are not limited to:

- Physical changes which alter bodily functions such as severely increased or decreased cardiac output; shallow to irregular respiration; and damage to other major organs, such as kidney, liver and brain;
- Emotional and psychological changes including paranoia, depression, hostility, anxiety, mood swings and instability;
- Illnesses such as HIV-AIDS, sexually transmitted diseases, severe weight loss, cancer, cirrhosis, hepatitis, short-term memory loss, seizures, and deformities to unborn children;

- Physical and psychological dependency (addiction); and
- Death from overdose or continuous use.

While these health risks are broad in range, persons consuming illicit drugs and alcohol will exemplify some, if not all, of the above symptoms.

#### **4. REHABILITATION**

The University recognizes that rehabilitation is an integral part of an effective drug and alcohol policy. Consistent with its commitment in the areas of education and sanctions, it is the University's intent to provide an opportunity for rehabilitation to all members of the University family. This commitment is evidenced through access to existing University resources and is furthered by referrals to community agencies.

For students, the University Counseling Center and the Student Health Center are available to provide medical and psychological assessments of those with drug/alcohol dependency and drug/alcohol abuse problems. Based on the outcome of this assessment, treatment can be provided by either or both of these centers. If, however, the scope of the problem is beyond the capability of these centers, affected students will be referred to community agencies. The cost of such services shall be the individual student's responsibility.

For SPA employees, the University's Employee Assistance Program is available for assessment and referral. Services of the Employee Assistance Program are provided at no charge to the employee; however, the cost of services provided through community agencies are the individual employee's responsibility. Some services provided to University faculty and staff enrolled in the State Health Plan may be covered under the plan. The services of the University's Counseling and Health Centers are not normally utilized by faculty and staff members except in emergency situations.

#### **5. SANCTIONS**

##### **Illegal Drugs/Prohibited Conduct**

All members of the University community have the responsibility for being knowledgeable about and in compliance with the provisions of North Carolina law as it relates to the use, possession or sale of illegal drugs as set forth in Article 5, Chapter 90 of the North Carolina General Statutes. Any violation of this law subjects the individual to prosecution both by the University disciplinary proceedings and by civil authorities. It is not a violation of "double jeopardy" to be prosecuted by both of these authorities. The University will initiate its own disciplinary proceedings against a student, faculty member, administrator or other employee when the alleged conduct is deemed to affect the interests of the University.

Penalties will be imposed by the University in compliance with procedural safeguards applicable to disciplinary actions against students (see the Student Handbook), faculty members (see the Faculty Handbook), administrators (see the EPA Non-Faculty Employment Policies) and SPA employees (see State Personnel Commission Policies).

The penalties imposed for such violations range from written warnings with probationary status to expulsion or enrollment and discharge from employment. However, minimum penalties that apply for each violation are set forth below. It should be noted that where the relevant sanction dictates a minimum of one semester suspension from employment, the regulations of the State Personnel Commission (as pertaining to SPA employees) do not permit suspension from employment for this duration. Thus, such sanction as applied to SPA employees dictates the termination of employment.

### **Minimum Penalties**

#### Trafficking in Illegal Drugs

- For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC General Statutes 90-90 (including, but not limited to heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualine), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.
- For a first offense involving the illegal manufacture, sale, or delivery of any controlled substance identified in Schedules III through VI, NC General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, anabolic steroids, pentobarbital, codeine), the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent. NOTE: Employees subject to the State Personnel Act are governed by regulations of the State Personnel Commission. Because the minimum penalty specific in this section and required by the Board of Governors exceeds the maximum period of suspension without pay that is permitted by State Personnel Commission regulations, the penalty for a first offense for an SPA employee is discharge. For a second offense, any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.

#### Illegal Possession of Drugs

- For a first offense involving the illegal possession of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent. NOTE: Because the minimum penalty specified in this section and required by the Board of Governors exceeds the maximum period of suspension without pay allowed for SPA employees, the penalty for a first offense for an SPA employee is discharge.

- For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, NC General Statutes 90-91 through 90-94, the minimum penalty shall be probation, for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the Chancellor or the Chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation. NOTE: If this balance for an SPA employee exceeds the maximum period of suspension without pay allowed by the State Personnel Act, that employee shall be discharged.
- For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators, or other employees.

### **Alcohol/Prohibited Conduct**

For employees, while the sale, possession, or consumption of alcoholic beverages is not illegal under state or federal law, it is, hereby, the policy of North Carolina Agricultural and Technical State University that the consumption of alcohol sufficient to interfere with or prohibit the otherwise normal execution of job responsibilities is improper and subjects the employee to appropriate disciplinary procedures. It is also the policy of North Carolina Agricultural and Technical State University that alcoholic beverages not be sold on campus. Employees violating the above noted policies are subject to appropriate disciplinary procedures, ranging from warnings to dismissal consistent with the individual circumstances.

Similarly employees are reminded that, under NC law, it is illegal to sell or give malt beverages, unfortified wine, spirituous liquor or mixed beverages to anyone less than 21 years old. It is also illegal to aid and abet any person less than 21 years old in the purchase or possession of the alcoholic beverages noted above. Employees found violating these state laws are subject to legal sanction as well as the appropriate disciplinary procedures.

Students are reminded of the following University regulations and state laws regarding alcoholic beverages as contained the Student Handbook:

- Students are liable for violation of State Law GS 18B-302 while on University premises: 18B-302 Sale to or Purchase by Underage Persons
  - Sale—It shall be unlawful for any person to sell or give malt beverages, unfortified wine, fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.

- Purchase or Possession—It shall be unlawful for a person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages, unfortified wine, spirituous liquor, or mixed beverages.
- Aider and Abettor—Any person under the lawful age to purchase and who aids or abets another in the purchase of alcohol shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500) or imprisonment for not more than six months, or both, at the discretion of the court. Any person who is over the lawful age to purchase who aids or abets another in the purchase of alcohol shall be guilty of a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000) or imprisonment for not more than two years, or both, at the discretion of the court.
- Student are responsible for conforming to state laws pertaining to
  - Transportation of alcoholic beverages
  - Consumption of alcoholic beverages in public places
  - Consumption of alcoholic beverages by students under the legal age
  - Abuses of alcoholic beverages
- There will be no consumption of alcoholic beverages in a motor vehicle while on University property or on University streets.
- Personal consumption of alcoholic beverages is restricted to students' rooms in residence halls, if they are of legal drinking age.
- The possession or consumption of alcoholic beverages shall not be permitted in public places, such as lounges, game rooms, study rooms, kitchens, laundries or patios.
- There will be no public display of alcoholic beverages.
- The University discourages the drinking of alcoholic beverages, and other abuses of alcoholic beverages.
- Being under the influence of alcohol is considered a breach of conduct, and students who violate these standards are subject to disciplinary action.

Violations of the above regulations and laws will subject students to criminal prosecution as well as campus-based charges.

### **Suspension Pending Final Disposition**

When a student, faculty member, administrator, or other employee has been charged by the University with a violation of policies concerning illegal drugs or alcohol abuse, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the Chancellor or Chancellor's designee concludes that the person's continued presence within the University community would constitute a clear and immediate danger to the health or welfare of other members of the University community, provided that if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

## **6. DISSEMINATION**

A copy of the Drug and Alcohol Education Policy will be distributed to enrolling students and new employees at orientation. The Policy will be available for review by all students and employees on the web.

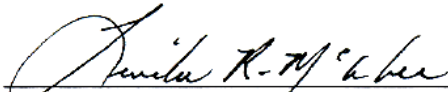
## 7. IMPLEMENTATION AND REPORTING

The Chancellor shall designate a coordinator of drug education who will be responsible for overseeing all actions and programs relating to this policy. Annually, the Chancellor shall submit to the Board of Trustees a report on campus activities related to illegal drugs for the preceding year. The reports shall include, as a minimum, the following:

- A listing of the major educational activities conducted during the year,
- A report on any illegal drug-related incidents, including any sanctions imposed,
- An assessment by the Chancellor of the effectiveness of the campus program; and
- Any proposed changes in the Drug and Alcohol Education Policy

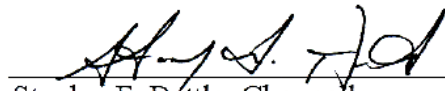
A copy of the report shall be provided to the University President, who shall confer with the Chancellor about the effectiveness of campus programs.

Approved:



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Linda R. McAbee, Vice Chancellor for Human Resources

Date: 1/10/08



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Stanley F. Battle, Chancellor

Date: 1/10/08