



## **04.110 POLICY ON ILLEGAL DRUGS**

Authority: Board of Trustees

History: Reformatted July 18, 2005; approved April 13, 1988; supersedes former MSC 1.20 policy

Source of Authority: 41 U.S.C. §701; 15 C.F.R. Part 29; UNC Code, Section 1300.1

Related Links: Code of Student Life - Substance Abuse Handbook

Responsible Office: Dean of Students

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### **I. Purpose**

The fundamental purpose of the university is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty members, administrators and other university employees, share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

### **II. Policy and Program**

- A. The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty members, administrators and other university employees.
- B. University policies and programs are intended to emphasize:
  - 1. The incompatibility of the use or sale of illegal drugs with the goals of the university.
  - 2. The legal consequences of involvement with illegal drugs.
  - 3. The medical implications of the use of illegal drugs.
  - 4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.
- C. The university provides a systematic substance abuse education and prevention program designed to reach all segments of the campus community. To assist in accomplishing this mission, CROSSROADS: Substance Abuse Prevention and Education Program, has developed a well-integrated centralized program that is a focal point for campus substance abuse education, training, and

prevention which monitors the effectiveness of programs for constituencies served. The Counseling Center provides substance abuse counseling and referral services for students and provides consultation to students, faculty and staff. This policy on illegal drugs is presented within the four areas of education, counseling and rehabilitation, enforcement and penalties and assessment.

### **III. Education**

The university provides a program of education designed to help all members of the university community avoid involvement with illegal drugs. Education programs:

- A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.
- B. Promote and support institutional activity programming that discourages substance abuse.
- C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
- D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use, and to refer persons with these problems to appropriate assistance.
- E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
- F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.
- G. Develop a coordinated effort across campus for drug related education, treatment and referral.

### **IV. Counseling and Rehabilitation**

- A. The university provides information about drug counseling and rehabilitation services to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:

1. Training for professional staff and student staff on drug abuse information, intervention and referral.
  2. Education programs for students who have demonstrated abusive behavior with drugs.
  3. Assessment, counseling and referrals for students.
  4. Consultation, information and referrals for students, staff and faculty.
- B. In providing the above strategies, it is recognized that some campus constituents may prefer professional assistance external to the campus. Therefore, CROSSROADS: Substance Abuse Prevention and Education Program will collaborate with the Counseling Center in the development of appropriate referral mechanisms for these individuals. A listing of off-campus resources for assistance and referral is available for those who choose that option. In the development of this program, it is desired that faculty, students, administrators and other employees be comfortable in the manner in which they are served and have a choice in the selection of appropriate assistance. Individuals served in the Counseling Center on campus can be assured that applicable confidentiality will be maintained.

## **V. Enforcement and Penalties**

### **A. Enforcement**

In seeking to enforce established university policy, the university will:

1. Publicize all drug policies.
2. Consistently enforce drug policies.
3. Exercise appropriate disciplinary action for drug policy violations.

### **B. Penalties**

1. The university shall take actions necessary, consistent with state and federal law and applicable university policy, to eliminate illegal drugs from the university community. University policy on illegal drugs is publicized in the university catalog, student and faculty handbooks, student orientation materials, letters to students and parents, residence hall meetings and faculty and employee meetings.
2. Students and faculty members, administrators and other employees are responsible as citizens for knowing about and

complying with the provisions of the North Carolina law that makes it a crime to possess, sell, deliver or manufacture drugs designated collectively as “controlled substances” in Article V, Chapter 90 of the North Carolina General Statutes (see State Law I). Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the university. It is not “double jeopardy” for both the civil authorities and the university to proceed against and adjudicate a person for the same specified conduct. The university will initiate its own disciplinary proceedings against the student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interest of the university.

3. Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students (see *Code of Student Life*, Section II), faculty members (see *Policies of Academic Freedom and Tenure*, UNCW, Section VII), and administrators and other employees (see *Procedure No. PER 6.10 and Personnel Policies for Designated Employment Exempt from State Personnel Act - EPA Administrative Positions*).<sup>1</sup>
4. The penalties to be imposed by the university may range from written warning with probationary status to expulsion from enrollment and discharge from employment; however, the following minimum penalties shall be imposed for the particular offenses described.
  - a. Trafficking in Illegal Drugs
    - i. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes, 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.

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<sup>1</sup> Rules of the State Personnel Commission govern the disciplinary actions that may be taken against SPA employees. Under current commission regulations discharge, rather than suspension, is the applicable penalty for SPA employees in those instances where this policy otherwise requires suspension.

- ii. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, Phenobarbitals, codeine), the minimum penalty shall be suspension from enrollment or from employment<sup>1</sup> for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled, and any faculty member, administrator, or other employee shall be discharged.

b. Illegal Possession of Drugs

- i. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment<sup>1</sup> for a period of at least one semester or its equivalent.
- ii. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, North Carolina 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 chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or employment<sup>1</sup> for any unexpired balance of the prescribed period of the probation.
- iii. For the 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, and employees.

c. Suspension Pending Final Disposition

When a student, faculty member, administrator or university employee has been charged by the university with a violation of policies concerning illegal drugs, he/she may be suspended from enrollment and/or employment before the initiation or completion of regular disciplinary

proceedings if, assuming the truth of the charges, the chancellor, or in the chancellor's absence, the 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.

## **VI. Assessment**

- A. The university shall in its effort to continually assess the campus environment:
  - 1. Appraise the institutional environment as an underlying cause of drug abuse.
  - 2. Assess campus awareness, attitudes and behaviors regarding the use of drugs and employ results in program development.
  - 3. Collect and use drug related summary information from police and security reports to guide program development.
  - 4. Collect and use summary data regarding health, counseling and client information to guide program development.
  - 5. Collect summary data regarding drug related disciplinary actions and use it to guide program development.
  
- B. Annually, the chancellor shall submit to the Board of Trustees a report of campus activities related to illegal drugs for the proceeding year. The report shall include the following:
  - 1. A listing of major education activities conducted during the year;
  - 2. Any report on any illegal drug related incidents, including any sanctions imposed;
  - 3. An assessment by the chancellor of the effectiveness of the campus program; and
  - 4. Any proposed changes in university policy on illegal drugs.
  
- C. The Chancellor shall provide a copy of this report to the President.