

Illegal Drugs

I. Purpose

Illegal drugs endanger the health and safety of members of higher education communities and imperil the integrity of the pursuit of learning. The institutions of the University of North Carolina are not immune to this threat. Illegal drugs constitute such a serious problem nationwide that within the University system certain specific and uniform University policies are warranted. Success in combating the problem depends ultimately on the cooperative efforts of members of governing boards, students, faculty members, administrators and all other employees. Thus, it is on each campus of the University that a properly balanced program of educational efforts and punitive sanctions must be achieved. Accordingly, to support and assist the constituent institutions of the University of North Carolina in their continuing efforts to meet this threat, the Board of Governors adopts this policy.

II. Policies Applicable University-Wide

Each Board of Trustees shall adopt a policy on illegal drugs applicable to all students, faculty members, administrators, and other employees. The Board of Governors recognizes that each such policy must address the circumstances and needs of the particular campus. However, the President shall ensure that the policy of each institution incorporates and is fully consistent with the following basic requirements.

A. Education, Counseling, and Rehabilitation

1. Each constituent institution shall establish and maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs. This educational program shall emphasize these subjects:

- a. The incompatibility of the possession, use or sale of illegal drugs with the goals of the University;
- b. The legal consequences of involvement with illegal drugs;
- c. The medical implications of the use of illegal drugs; and
- d. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

2. Each constituent institution shall provide information about drug counseling and rehabilitation services available to members of the University community either through campus-based programs or through community-based organizations. Persons who voluntarily avail themselves of University services shall be assured that applicable professional standards of confidentiality will be observed.

B. Enforcement and Penalties

1. University institutions shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs from the University community. The institutional policy on illegal drugs shall be publicized in catalogues and other materials prepared for all enrolled and prospective students and in materials distributed to faculty members, administrators and other employees.

2. Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. 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 punish a person for the same specified conduct. The University will initiate its own disciplinary proceeding

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against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the University.

3. Penalties will be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by Section 502D(3) and Section 603 of *The Code*, by Board of Governors policies applicable to other employees exempt from the State Personnel Act, and by regulations of the State Personnel Commission.

4. Penalties to be imposed by the University will vary depending upon the nature and seriousness of the offense, and may include a range of disciplinary actions up to and including expulsion from enrollment and discharge from employment. The University may also refer matters to law enforcement for prosecution.

a. For second or other subsequent offenses involving illegal drugs, progressively more severe penalties shall be imposed.

b. A student, faculty member, administrator, or other employee found to have violated applicable law or University policies concerning illegal drugs may be required 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 such conditions and restrictions may result in additional disciplinary action, up to and including expulsion from enrollment and discharge from employment.

5. 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, 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 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.

III. Implementation and Reporting

A. Each Board of Trustees shall adopt a policy on illegal drugs, the provisions of which shall be consistent with the requirements of Section II of this policy. The chancellor shall file a copy of the campus policy with the president, and notice of any changes that may be made in the policy from time to time also shall be filed with the president.

B. Each chancellor shall designate a coordinator of drug education. This person, acting under the authority of the chancellor, will be responsible for overseeing all actions and programs relating to the campus policy.

C. University institutions must comply with applicable state and federal law regarding illegal drugs including, without limitation, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. In accordance with the latter, each institution must conduct a biennial review of the effectiveness of its educational programs regarding illegal drugs and the consistency of sanction enforcement, and maintain the results of such reviews on file.

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~~The Code of the University of North Carolina describes the University as "an academic community dedicated to the transmission and advancement of knowledge and understanding." The Board of Governors therefore is committed to the maintenance and protection of an environment in which students and faculty members "may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors." Moreover, it is the obligation of all members of the University community — faculty, students, administrators, and other employees — to help maintain an environment where "academic freedom flourishes and in which the rights of each member of the academic community are respected."~~

~~A new threat to higher education communities has emerged. Illegal drugs now endanger the health and safety of members of these~~ Illegal drugs endanger the health and safety of members of higher education communities and imperil the integrity of the pursuit of learning. The institutions of the University of North Carolina are not immune to this threat. Illegal drugs now constitute such a serious problem nationwide that within the University system certain specific and uniform University policies are warranted. Success in combating the problem depends ultimately on the cooperative efforts of members of governing boards, students, faculty members, administrators and all other employees. Thus, it is on each campus of the University that a properly balanced program of educational efforts and punitive sanctions must be achieved. Accordingly, to support and assist the constituent institutions of the University of North Carolina in their continuing efforts to meet this threat, the Board of Governors adopts this policy.

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2. Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. 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 punish a person for the same specified conduct. The University will initiate its own disciplinary proceeding against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the University.

3. Penalties will be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by Section 502D(3) and Section 603 of *The Code*, by Board of Governors policies applicable to other employees exempt from the State Personnel Act, and by regulations of the State Personnel Commission.

4. ~~The penalties~~Penalties to be imposed by the University will vary depending upon the nature and seriousness of the offense, and may include a range from written warnings with probationary status of disciplinary actions up to expulsions and including expulsion from enrollment and discharge from employment. However, the following minimum penalties shall be imposed. The University may also refer matters to law enforcement for the particular offenses described: prosecution.

_____ a. Trafficking in Illegal Drugs

_____ (1) ~~For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, N.C.G.S. § 90-89, or Schedule II, N.C.G.S. § 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, second or other employee shall be discharged.~~

_____ (2) ~~For a first offense subsequent offenses involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, N.C.G.S. §§ 90-91 through 90-94, (including, but not limited to, marijuana, pentobarbital, codeine) the minimum penalty shall be suspension from enrollment or from employment 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. illegal drugs, progressively more severe penalties shall be imposed.~~

_____ b. Illegal Possession of Drugs

_____ (1) ~~For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N.C.G.S. § 90-89, or Schedule II, N.C.G.S. § 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.~~

_____ (2) ~~For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, N.C.G.S. §§ 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~~

b. A student, faculty member, administrator, or other employee found to have violated applicable law or University policies concerning illegal drugs may be required 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 such conditions and restrictions may result in suspension additional disciplinary action, up to and including expulsion from enrollment and discharge from employment for any unexpired balance of the prescribed period of probation.

_____ (3) ~~For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including~~

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~~expulsion of students and discharge of faculty members, administrators or other employees.~~

5. 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, 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, ~~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.

III. Implementation and Reporting

A. Each Board of Trustees shall adopt a policy on illegal drugs, the provisions of which shall be consistent with the requirements of Section II of this policy. The chancellor shall file a copy of the campus policy with the president, and notice of any ~~changes~~ changes that ~~may be~~ may be made in the policy from time to time also shall be filed with the president.

B. ~~To carry out this policy, it generally will be necessary for each campus to revise its current policies and programs. New activities will have to be initiated in some University agencies that heretofore have not had a specific policy on illegal drugs. The president will confer with the chancellors to determine what additional funding may be needed to make this policy effective, and the president will make recommendations to the Board of Governors by the fall of 1988 for any budget request or increases in fees that may be needed to achieve this objective.~~

C. Each chancellor shall designate a coordinator of drug education. This person, acting under the authority of the chancellor, will be responsible for overseeing all actions and programs relating to the campus policy.

D. ~~Annually, each 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:~~ C. University institutions must comply with applicable state and federal law regarding illegal drugs including, without limitation, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and

- ~~1. a listing~~ Communities Act Amendments of the major education activities conducted during the year;
- ~~2. a report on any illegal drug-related incidents, including any sanctions imposed;~~
- ~~3. an assessment by the chancellor~~ 1989. In accordance with the latter, each institution must conduct a biennial review of the effectiveness of the campus program and;
- ~~4. any proposed changes in the policy on its educational programs regarding illegal drugs.~~

~~A copy and the consistency of the report shall be provided to the president, who shall confer with the chancellor about the effectiveness of sanction enforcement, and maintain the results of campus programs. The president periodically shall report to the Board of Governors.~~

such reviews on file.