

**POLICY ON ILLEGAL DRUGS AND ABUSE OF ALCOHOL FOR
THE UNIVERSITY OF NORTH CAROLINA
GENERAL ADMINISTRATION**

I. INTRODUCTION.

General Administration is the central office of the University of North Carolina. In addition to the administrative divisions that report directly to the President, General Administration includes:

- the State Education Assistance Authority;
- the Higher Education Facilities Commission;
- the North Carolina State Approving Agency;
- the University of North Carolina Center for Public Television;
- the North Carolina Center for International Understanding;
- the Health Science Mathematics Program;
- the Center for School Leadership Development;
- the Pathways program;
- the GEARUP program;
- the North Carolina Education Research Council;
- the Southeast Center for Teaching Quality; and
- the Shared Services Alliance.

This policy is applicable to these units and their employees and is in compliance with all applicable federal laws.

II. PURPOSE.

General Administration is committed to maintaining an environment that supports and encourages the efficient and effective administration of the University of North Carolina and its related agencies. All employees of General Administration share in the responsibility for protecting that environment by exemplifying high standards of professional and personal conduct. The office is dedicated to providing employees a work environment that is drug free and where alcohol use is not abused. The abuse of alcohol and the illegal possession, sale or use of drugs adversely affects that environment and will not be tolerated. Compliance with this policy by an employee is a condition of employment.

III. EDUCATION, COUNSELING, AND REHABILITATION.

A. General Administration will use the education, counseling, and rehabilitation services of the University of North Carolina at Chapel Hill, which are designed to help all members of the university community deal with alcohol abuse and avoid involvement with illegal drugs. This education program emphasizes these subjects:

1. The incompatibility of the use or sale of illegal drugs with the goals of the university;
2. The incompatibility of the abuse of alcohol with the goals of the university;
3. The legal consequences of involvement with illegal drugs and the abuse of alcohol;
4. The medical implications of the use of illegal drugs and the abuse of alcohol; and
5. The ways in which alcohol abuse and illegal drugs jeopardize an individual's present accomplishments and future opportunities.

B. General Administration, through the Chapel Hill campus, provides information about drug and alcohol counseling and rehabilitation services available to members of the university community through campus-based programs and through community-based organizations. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed.

IV. ENFORCEMENT AND PENALTIES.

A. General Administration shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs and alcohol abuse from the workplace. The office's policy on illegal drugs and alcohol abuse will be publicized in materials distributed annually to existing employees and a copy will be given to all new employees upon employment.

B. All 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. Similarly, employees are responsible for complying with state laws dealing with the use of alcohol. Any member of General Administration or its related agencies who violates those laws while in the workplace is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by General Administration. It is not "double jeopardy" for both the civil authorities and General Administration to proceed against and punish a person for the same specified conduct. The office will initiate its own disciplinary proceedings against an employee when the alleged conduct is deemed to affect the interests of General Administration.

C. Penalties will be imposed by General Administration in accordance with procedural, due process safeguards applicable to disciplinary actions against administrators, staff, and other employees. Disciplinary action against an employee convicted of a drug offense that occurred in the workplace must begin within 30 days of notice of conviction.

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D. The penalties to be imposed by General Administration range from written warnings with probationary status to discharges from employment. However, the following minimum penalties shall be imposed for the particular offense described.

1. 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, 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 employee shall be discharged.
- For the first offense 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, North Carolina General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, pentobarbital, codeine), the minimum penalty shall be suspension from employment for at least four months. For a second offense, any employee shall be discharged.

Employees subject to the State Personnel Act are governed by regulations of the State Personnel Commission. Because the minimum penalty specified 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 employees subject to the State Personnel Act is discharge.

2. Illegal Possession of Drugs.

- 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 employment for at least four months.
- 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 president or the president's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from employment for any unexpired balance of the prescribed period of probation.
- For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including discharge of the employee.

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E. Suspension Pending Final Disposition.

When an employee has been charged by General Administration with a violation of policies concerning illegal drugs, he or she may be suspended from employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the president, or in the president's absence the president's designee, concludes that the person's continued presence within the office would constitute a clear and immediate danger to the health or welfare of other members of the office; 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.

If this balance for an employee subject to the State Personnel Act exceeds three days, that employee shall be discharged.

F. Abuse of Alcohol in the Workplace.

An employee whose abuse of alcohol in the workplace interferes with the satisfactory performance of employment responsibilities shall be subject to established disciplinary proceedings for neglect of duty or incompetence. Supervisors shall make all reasonable efforts to help employees involved in addictive behavior, involving the use of drugs or the abuse of alcohol, in obtaining rehabilitative assistance.

G. Summary of Risks.

A summary of the legal and health risks associated with alcohol abuse and illegal drug use is attached to, and made a part of, the policy.

V. DRUG CONVICTION REPORTING REQUIREMENTS.

Each employee of General Administration and its related agencies is required to report within five days any criminal conviction for a drug offense that occurs in the workplace. The report will be made to General Administration's drug and alcohol abuse policy coordinator.

The drug and alcohol abuse policy coordinator will determine whether a reported drug conviction requires a report to an appropriate federal agency; if so, the coordinator will immediately contact General Administration's grant coordinator, who shall make the required report within ten days of the notice of conviction.

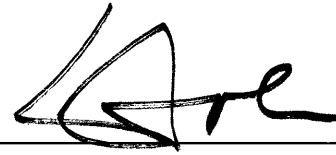
VI. APPOINTMENT OF DRUG AND ALCOHOL ABUSE POLICY COORDINATOR.

Charles Waldrup, Associate Vice President for Legal Affairs, shall serve as General Administration's drug and alcohol abuse policy coordinator. In the absence of the president, the drug and alcohol abuse policy coordinator shall act for the president under this policy.

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VII. ADOPTION.

This policy was first adopted on August 24, 1990, and amended on January 8, 1993, August 14, 1995, March 1, 2001, and December 1, 2008.

A handwritten signature in black ink, appearing to read 'Erskine Bowles', is written over a horizontal line.

Erskine Bowles, President

HEALTH AND OTHER RISKS OF DRUG AND ALCOHOL USE
The list of drugs is not intended to be comprehensive

DRUG	EFFECT/HEALTH RISKS	PENALTIES FOR POSSESSION/SALE N.C. LAW*	PENALTIES FOR POSSESSION THE UNIVERSITY	SALE PENALTIES THE UNIVERSITY
LSD	Mainly psychological: hallucinations/perception distortions, unable to function normally, accidents common; can produce anxiety, elevation in temperature, heart rate and respiration.	POSS-MAX: 5 years' imprisonment and fine (for any amount) SALE-MAX: 10 years' imprisonment and fine (for any amount)	MIN: Suspension for enrollment or from employment for at least one semester or its equivalent (first offense) with more severe penalties for second offense, including student expulsion and employee discharge.	Student expulsion and faculty/staff discharge.
HEROIN	Physical/psychological dependence; relaxer and pain reliever, causing sluggishness and sleep at inappropriate/dangerous times; AIDS a possibility with intravenous injection; addiction can be passed to child born to user; overdose can result in death.	POSS-MAX: 5 years' imprisonment and fine (for any amount) SALE-MAX: 10 years' imprisonment and fine (for any amount).	MIN: Suspension from enrollment or from employment for at least one semester or its equivalent (first offense) with more severe penalties for second offense, including student expulsion and employee discharge.	Student expulsion and faculty/staff discharge.
OPIUM	Less potent than heroin; physical-psychological dependence; sluggishness and sleep at inappropriate and dangerous times; AIDS a possibility with intravenous injection; addiction can be passed to unborn child; death possible from overdose.	POSS-MAX: 5 years' imprisonment and fine (100+ dosage units); for lesser amounts: 2 years' imprisonment and \$2000 fine. SALE-MAX: 10 years' imprisonment and fine (for any amount)	MIN: Suspension from enrollment or from employment for at least one semester or its equivalent (first offense) with more severe penalties for second offense, including student expulsion and employee discharge.	Student expulsion and faculty/staff discharge.
COCAINE	Power or crystals, affects respiration, heart rate, blood pressure, sugar levels; leads to tumors, chronic fatigue, dangerous weight loss, sexual impotence, insomnia; Habitual use: irritability, paranoia, hallucinations. Regardless of length of use, sometimes seizures lead to heart fibrillations and stroke. Death may follow.	POSS-MAX: 5 years' imprisonment and fine (100+ dosage units); for lesser amounts: 2 years' imprisonment and \$2000 fine. SALE-MAX: 10 years' imprisonment and fine (for any amount)	MIN: Suspension from enrollment or from employment for at least one semester or its equivalent (first offense) with more severe penalties for second offense, including student expulsion and employee discharge.	Student expulsion and faculty/staff discharge.

* Similarly severe FEDERAL penalties apply for the illegal interstate transportation of drugs or alcohol.

HEALTH AND OTHER RISKS OF DRUG AND ALCOHOL USE

The list of drugs is not intended to be comprehensive

DRUG	EFFECT/HEALTH RISKS	PENALTIES FOR POSSESSION/SALE N.C. LAW*	PENALTIES FOR POSSESSION THE UNIVERSITY	SALE PENALTIES THE UNIVERSITY
PSILOCYBIN	Mainly psychological; hallucinations/perception distortions, unable to function normally, accidents common; can produce anxiety, elevation in temperature, heart rate and respiration.	POSS-MAX: 5 years' imprisonment and fine (for any amount) SALE-MAX: 10 years' imprisonment and fine (for any amount)	MIN: Suspension for enrollment or from employment for at least one semester or its equivalent (first offense) with more severe penalties for second offense, including student expulsion and employee discharge.	Student expulsion and faculty/staff discharge.
BARBITURATES (e.g. valium and seconal)	Psychological/physical dependence; possible difficulty in breathing, lethargy, allergic reactions, nausea, dizziness; possible infant deformities; in high doses, can cause death.	POSS-MAX: 5 years' imprisonment and fine (100+ dosage units); for lesser amounts: 2 years' imprisonment and \$2000 fine. SALE-MAX: 10 years' imprisonment and fine (for any amount).	MIN: Suspension from enrollment or from employment for at least one semester or its equivalent (first offense) with more severe penalties for second offense, including student expulsion and employee discharge.	Student expulsion and faculty/staff discharge.
MARIJUANA	Effects range from motor impairment to throat and lung cancer (2-1/2 times tobacco tar). Particularly threatening for students is way it damages short-term memory and decreases concentration and learning abilities.	POSS-MAX: 2 years' imprisonment and fine (more than 1/2 oz.) POSS-MAX: 5 years' imprisonment and fine (more than 1-1/2 oz.) SALE-MAX: 5 years' imprisonment and fine (for any amount)	MIN: Probation, under conditions prescribed by institutions, including, participation in drug education and counseling, regular drug testing, and whatever else deemed appropriate. Failure to comply shall result in suspension from enrollment or employment for unexpired balance of probation period. For subsequent offenses, there will be progressively more severe penalties, including student suspension and employee discharge.	MIN: Suspension from enrollment or from employment for at least one semester or its equivalent. For second offense, expulsion for student and discharge for faculty/staff.
ALCOHOL	Depressant- slows down heart, nervous system, and brain. In extreme doses, can stop breathing. Prolonged, immoderate use can cause artery disease and heart failure; and cancer, cirrhosis, and hepatitis can destroy the liver.	POSS-MAX: 2 years' imprisonment and fine (beer and wine \$25 fine only) SALE-MAX: 2 year's imprisonment and \$2000 fine if over age 21.	MIN: Disciplinary warning or probation and/or fine for possession underage 21 or unauthorized place.	Sale not allowed on campus. Violation subject to disciplinary action depending on status.

* Similarly severe FEDERAL penalties apply for the illegal interstate transportation of drugs or alcohol.