

### **Policy on 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 System 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 System 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 and staff. 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 and staff.

2. Students, faculty, and staff 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 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, or staff member 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, and staff, as required by Sections 502 D(3) and 603 of *The Code*, by Board of Governors policies applicable to other employees exempt from the State Human Resources Act, and by regulations of the State Human Resources 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, or staff member 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, or staff member 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 in accordance with applicable campus judicial policy.

### 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., above.

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, as articulated in the Code of Federal Regulations, Title 34, *Education*, Part 86, *Drug and Alcohol Abuse Prevention*.<sup>1</sup> 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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<sup>1</sup>34 C.F.R. § 86.