

July 1, 2007

MEMORANDUM

TO: All University Faculty, Staff, and Students

FROM: James L. Oblinger, Chancellor

SUBJECT: The Drug-Free Schools and Communities Act
The Drug-Free Work-Place Act

Illegal or abusive use of drugs or alcohol by university faculty, staff, or students can adversely affect the educational environment and interfere with maximum achievement of personal, social, and educational goals.

As part of the university's awareness of possible drug and alcohol abuse in society, policies have been adopted on the use of alcohol and drugs. Pursuant to the direction of the Board of Governors, North Carolina State University's Board of Trustees adopted a policy on illegal drugs. A copy of this policy is reproduced on the back of this letter and is also available in the office of your Dean, Department Head, Human Resources, Student Affairs, in the new employee and student orientation packet and Student Handbook. (http://www.ncsu.edu/policies/campus_environ/health_safety_welfare/POL04.20.5.php)

The Trustees' policy provides that all students, faculty members, administrators, staff, and other employees at North Carolina State University are responsible as citizens for knowing about and complying with the provisions of any federal or North Carolina law that makes it a crime to possess, sell, deliver, or manufacture any illegal drug. It is imperative that you take the time to read and understand these policy statements. Violation of these policies could jeopardize your job or your status as a student at the university.

As a precondition for receiving any federally funded grants or contracts, North Carolina State University is required to certify that it is providing a drug-free workplace. Any employee reporting to work under the influence of alcohol or illegal drugs or using alcohol or illegal drugs on the job is subject to appropriate disciplinary action.

In addition to the North Carolina State University Board of Trustees' policy on illegal drugs, the university is required to adhere to all federal policies. As a condition of employment any faculty, staff, or student engaged under a federal grant or contract must notify the university of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. It is extremely important that you are aware of the policies on illegal drugs and alcohol which have been implemented by the federal government and the university's governing bodies as well as being knowledgeable about the counseling and rehabilitation services available to you. Information regarding counseling and rehabilitative resources within the university is available from Human Resources and Student Health Services.

Maintaining an alcohol and drug-free workplace will benefit us all. In addition, the university hopes that through our education and referral efforts we will be able to institute an effective means of dealing with the problem of substance abuse. Persons who are experiencing problems with substance or alcohol abuse, either themselves or through their families, are encouraged to contact resources within the university or use other resources such as family physicians, county mental health centers, and Alcoholics or Narcotics Anonymous.

POLICY ON ILLEGAL DRUGS (POL04.20.5)

Authority:	Board of Trustees
History:	First Issued: April 16, 1988. Last Revised: April 16, 1999.
Related Policies:	UNC Policy Manual III-A Illegal Drugs
Additional References:	Administrative Memoranda XIII-A-1 (1/15/88)
Contact Info:	Director of Student Judicial Programs Associate Vice Chancellor for Human Resources

1. PURPOSE

- 1.1 Reflecting its concern over the threat which illegal drugs constitute to higher education communities, the Board of Governors of the University of North Carolina adopted a policy on illegal drugs on January 15, 1988. The Board of Governors' policy requires each constituent institution's Board of Trustees to develop a policy on illegal drugs applicable to all students, faculty members, administrators, and other employees. The policy for each campus must address particular circumstances and needs while being fully consistent with specified minimum requirements for enforcement and penalties.
- 1.2 To assist North Carolina State University in its continuing efforts to meet the threat of illegal drugs, and to comply with the Board of Governors' policy, the Board of Trustees adopts the policy set forth below. This policy is intended to demonstrate the University's primary commitment to education, counseling, rehabilitation, and elimination of illegal drugs, as well as its determination to impose penalties in the event of violation of state and federal drug laws consistent with due process.

2. EDUCATION, COUNSELING, AND REHABILITATION

- 2.1 North Carolina State University shall maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs. The educational program shall emphasize the incompatibility of the use or distribution of illegal drugs with the goals of the University, the legal consequences of involvement with illegal drugs, the medical and psychological implications of the use of illegal drugs, and the ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities. Specific elements of the education program are:
 - 2.1.1 Publicizing the University's policy in the Student Code of Conduct, the undergraduate and graduate catalogs, and other publications distributed to students, faculty, administrators, and other employees.
 - 2.1.2 Continuing and expanding the drug education program conducted by Student Health Services.
 - 2.1.3 Continuing development of courses on drug education.
 - 2.1.4 Continuing the drug education component of the employees' Wellness Program.
 - 2.1.5 Increasing the awareness and utilization of the University's Employee Assistance Program (EAP).
- 2.2 The University shall disseminate information about drug counseling and rehabilitation services that are available to members of the University community. Persons who voluntarily avail themselves of such services shall be assured that applicable professional standards of confidentiality will be observed and that such participation will not be the basis for disciplinary action. Specific counseling and rehabilitation efforts include:

- 2.2.1 continuing the evaluation and referral services of the Counseling Center for out-patient and in-patient rehabilitation;
- 2.2.2 continuing the consultation and evaluation portions of the Student Health Services drug education program;
- 2.2.3 utilizing the Employee Assistance Program's referral to existing community-based counseling and rehabilitation services.

3. ENFORCEMENT AND PENALTIES

3.1 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 ⅓ controlled substances in Article 5 of Chapter 90 of the North Carolina General Statutes. The University will initiate its own disciplinary proceeding against a student, faculty member, administrator, or other employee when the offense is deemed to affect the interests of the University. 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 503D(3) and Section 603 of the University Code, by Board of Governors' policies applicable to other employees exempt from the State Personnel Act and by regulation of the State Personnel Commission. The penalties to be imposed by the University may range from written warnings with probationary status to expulsions from enrollment and discharges from employment. However, the following minimum penalties, as prescribed by the Board of Governors, shall be imposed for the particular offenses described.

3.2 Trafficking in Illegal Drugs

3.2.1 For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule 1, N.C. General Statutes 90-89, or Schedule 11, N.C. 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.

3.2.2 For a 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, N.C. General Statutes 30-91 through 90-94 (including, but not limited to, marijuana, phenobarbital, codeine), the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.¹ For a second offense, any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.

¹ 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 the State Personnel Commission regulations, the penalty for a first offense for employees subject to the State Personnel Act is discharge.

3.3 Illegal Possession of Drugs

- 3.3.1 For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N.C. General Statutes 90-89, or Schedule II, N.C. 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.²
- 3.3.2 For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, N.C. 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.
- 3.3.3 For a 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.

3.4 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, a hearing on the charges against the suspended person shall be held as promptly as possible thereafter.

4. COORDINATOR OF DRUG EDUCATION

The Director of Student Judicial Programs will serve as the Coordinator of Drug Education. Acting under the authority of the Chancellor, the Director will be responsible for overseeing all actions and programs relating to this institutional policy. The Associate Vice Chancellor for Human Resources will be responsible for conducting programs for employees (faculty and staff) and providing an annual report to the Coordinator regarding such programs.

5. REPORTING

- 5.1 Annually the Chancellor shall submit to the Board of Trustees a report on campus activities related to illegal drugs for the preceding year. The report shall include, as a minimum, the following: (1) a listing 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 of the effectiveness of the campus program; and (4) any proposed changes in the policy on illegal drugs. A copy of the report shall be provided to the President.

²

Ibid.