

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

POLICY ON ILLEGAL DRUGS

I. INTRODUCTION

The Board of Trustees of The University of North Carolina at Chapel Hill, in conformity with the direction of the Board of Governors of The University of North Carolina, hereby adopts this Policy on Illegal Drugs, effective August 24, 1988. It is applicable to all students, faculty members, administrators, and other employees.

II. EDUCATION, COUNSELING AND REHABILITATION

A. The University of North Carolina at Chapel Hill has established and maintains a program of education designed to help all members of the University Community avoid involvement with illegal drugs. This educational program emphasizes these subjects:

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; and
4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

B. The University of North Carolina at Chapel Hill provides information about drug 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 are hereby assured that applicable professional standards of confidentiality will be observed.

III. ENFORCEMENT AND PENALTIES

A. The University of North Carolina at Chapel Hill shall take all actions necessary, consistent with State and Federal law and applicable University policy, to eliminate illegal drugs from the University Community. The University's Policy on Illegal Drugs is publicized in catalogues and other materials prepared for all enrolled and prospective students and in materials distributed to faculty members, administrators, and other employees.

- B. 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.
- C. 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 3 of the Trustee Policies and Regulations Governing Academic Tenure in The University of North Carolina at Chapel Hill, by Section III.D. of the Employment Policies for EPA Non Faculty Employees of The University of North Carolina at Chapel Hill, by regulations of the State Personnel Commission, and the Disciplinary Procedure of the Staff Personnel Administration Guides (Human Resources Manual for SPA Employees), by the Instrument of Student Judicial Governance, and by all other applicable provisions of the policies and procedures of The University of North Carolina at Chapel Hill.
- D. 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 shall be imposed for the particular offenses described.
1. Trafficking in Illegal Drugs
 - a. 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. General Statutes 90-89, or Schedule II, 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.
 - b. 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 90-91 through 90-94, (including, but not limited to, marijuana, anabolic steroids, pentobarbital, 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.

2. Illegal Possession of Drugs

- a. 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
- b. 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
- c. For 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.

E. 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,

¹Employees 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.

²Employees 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.

³If this balance for an employee subject to the State Personnel Act exceeds one week, that employee shall be discharged.

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.

IV. IMPLEMENTATION AND REPORTING

Annually, the 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:

- (1) a listing of the major educational 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, who shall confer with the Chancellor about the effectiveness of campus programs.

Revised date: July 1, 2000