

ELIZABETH CITY STATE UNIVERSITY
Policy on Illegal Drugs

Preamble

This policy is adopted in recognition that possession, selling, delivery or manufacture of those drugs designated collectively as “controlled substances” in Article 5 of Chapter 90 of the North Carolina General Statutes pose a danger to the health and safety of the university community and jeopardize the integrity of the pursuit of learning. To the extent that any provision of the Elizabeth City State University (ECSU) policy conflicts with the UNC policy statement on illegal drugs, the UNC version shall control.

1. Scope

This policy applies to all students, faculty members, administrators and other employees, including part-time and temporary employees.

2. Education, Counseling and Rehabilitation Services

- A. ECSU shall use the education, counseling and rehabilitation services of ComPsych, which is designed to help employees of the university community deal with and avoid involvement with illegal drugs. The educational program emphasizes the following:
- i. The incompatibility of the use or sale of illegal drugs with the goals of the university;
 - ii. The legal consequences of involvement with illegal drugs;
 - iii. The medical implications of the use of illegal drugs; and
 - iv. The ways in which illegal drugs jeopardize an individual’s present accomplishments and future opportunities.

ECSU shall provide information about drug counseling through ComPsych, the state provided Employee Assistance Program (EAP.) Information regarding EAP is provided on a regular and continuing basis via email and the university website from Human Resources. The Coordinator of Drug Education shall provide the university goals as relates to illegal drugs to ComPsych. Employees who voluntarily avail themselves of the service shall be assured that applicable professional standards of confidentiality will be observed. Employees who are recommended to participate in the service shall also be assured that applicable professional standards of confidentiality will be observed. The Coordinator of Drug Education shall ensure that the appropriate counseling services are provided for students in a similar manner as provided for employees.

3. Enforcement and Penalties

- A. ECSU shall take all actions necessary, consistent with state and federal law and applicable university policy, to eliminate illegal drugs from the workplace. The 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.
- 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 ECSU 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. ECSU shall 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 502D (3) and Section 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.
- 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. The following minimum penalties shall be imposed for the particular offenses described.

- i. **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.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, methaqualone), 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 IV, 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.

- ii. **Illegal Possession of Drugs**

- a. 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.
 - b. 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 to participate in a drug education and counseling program, consent to regular drug testing, and accept 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.

- 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.

4. Suspension Pending Final Disposition

- A. 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's 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.

5. Implementation and Reporting

- A. The Chancellor shall file a copy of this policy with the UNC President, and notice of any change that may be made in the policy from time to time shall also be filed with the President.
- B. To carry out this policy, it generally will be necessary for ECSU to revise its current policies and programs. New activities will be initiated in some university agencies that heretofore have not had a specified policy on illegal drugs.
- C. The Chancellor of ECSU has designated the Vice Chancellor for Student Affairs as Coordinator of Drug Education. The Vice Chancellor for Student Affairs, serving as Coordinator of Drug Education, shall act under the authority of the Chancellor and will be responsible for overseeing all actions and programs relating to this policy for students. The Chief Human Resources Officer will be responsible for overseeing all actions and programs relating to this policy for employees.
- D. The Chancellor shall submit an annual report to the Board of Trustees and the UNC President of all campus activities related to illegal drugs for the preceding year. The report shall include, as a minimum, the following:
 - i. A listing of the major education activities conducted during the year;
 - ii. A report of any illegal drug-related incidents, including any sanctions imposed;
 - iii. An assessment by the Chancellor of the effectiveness of ECSU's program and;
 - iv. Any proposed changes in ECSU's policy on illegal drugs.