

DRUG POLICY AND OPERATIONAL PROCEDURES

(Available on-line at <http://deanofstudents.uncg.edu/policy>)

This policy was accurate as of the date printed. For the most current revisions to this policy refer to the Web site referenced above.

I. POLICY ON ILLEGAL DRUGS

The University of North Carolina at Greensboro seeks to maintain an environment that supports the pursuit and dissemination of knowledge. All members of the academic community, including students, faculty, and staff members, share responsibility for protecting the academic environment by exemplifying high standards of professional and personal conduct. Use of illegal drugs by any member of the community interferes with the activities through which the goals of the University can be realized. Therefore, such practices will not be tolerated. The University will take all actions necessary, consistent with law and University policy, to eliminate the use of illegal drugs from the University community.

This policy has been developed in accord with "The University of North Carolina Policy on Illegal Drugs," adopted by the Board of Governors January 15, 1988 and is available online through the UNC Policy Manual at http://www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual_1300_1.htm. The Policy establishes the framework for programs designed to educate the campus community on the harmful effects of illegal substances and to assist afflicted persons in their efforts to become rehabilitated. It also provides guidance for punishing violators.

II. APPLICABILITY

This policy is applicable to the following: students, faculty, senior administrative officers, non-faculty EPA employees (non-faculty personnel whose employment is exempt from the State Personnel Act), and SPA employees (staff personnel whose employment is subject to the State Personnel Act).

III. NOTICE

Article 5 of Chapter 90 of the North Carolina General Statutes makes it a crime to possess, manufacture, sell, or deliver or possess with intent to sell or deliver a controlled substance. N.C.G.S. 90-95. As citizens, all members of the University community are expected to know and comply with these laws. The North Carolina General Statutes are readily available in the Library or online at <http://www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp>.

This Policy shall be publicized in catalogs and other materials prepared for all enrolled and prospective students and in appropriate materials distributed to faculty members, senior administrative officers, non-faculty EPA employees, and SPA employees.

IV. EDUCATIONAL AND REHABILITATION PROGRAMS

The University shall establish and maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs.

This program shall emphasize these subjects:

- The incompatibility of the use or sale of illegal drugs with the goals of the University;
- The legal consequences of involvement with illegal drugs;
- The medical implications of the use of illegal drugs; and
- The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

The University shall provide information about drug counseling and rehabilitative services available to University students and employees either through campus-based programs or through community-based organizations.

Persons who voluntarily avail themselves of these University services or programs are assured that applicable professional standards of confidentiality will be observed.

V. DISCIPLINARY PROCEEDINGS AND SANCTIONS

A. Preliminary Determinations

The University will initiate a disciplinary proceeding against a student, faculty member, senior administrative officer, EPA non-faculty employee, or SPA employee whenever both of these requirements are met:

- There is a reasonable basis for believing that the person has violated this policy or North Carolina law pertaining to controlled substances; and
- The alleged conduct is deemed to harm the interests of the University.

The first requirement above, can be satisfied by either of the following:

- A conviction or a guilty plea resulting from criminal prosecution; or
 - Independent evidence obtained by University officials including police officers.
- (See also section VIA.)

It should be noted that though an offense may be the subject of legal action by the civil authorities, University officials are nonetheless free to initiate disciplinary action that may result in additional penalties.

When the above requirements are met, the University will initiate disciplinary action against the alleged violator according to established procedures that safeguard the rights and interests of students and employees. Procedures will vary, depending on classification of the person facing disciplinary action:

Students. *Student Code of Conduct* for The University of North Carolina at Greensboro, approved by the Chancellor.

Faculty Members. The University of North Carolina at Greensboro's Regulations on Academic Freedom, Tenure, and Due Process, Section 7. Discharge or Imposition of Serious Sanction, adopted by the Board of Trustees.

Senior Administrative Officers. Policies Concerning Senior Administrative Officers of The University of North Carolina, adopted by the Board of Governors.

Non-Faculty EPA Employees. Personnel Policies for Designated Employment Exempt from the State Personnel Act, adopted by the Board of Trustees.

SPA Employees. Relevant regulations of the Office of State Personnel.

Decisions reached by these processes are reviewable according to normal appeal mechanisms.

B. Penalties for Students, Faculty, Senior Administrative Officers, and Non-Faculty EPA Employees

For these persons, the penalties to be imposed 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:

1. Manufacturing, Sale, or Delivery of Illegal Drugs

The term "trafficking" is used in its generic sense, not in its specific application to selling, manufacturing, delivering, transporting, or possessing controlled substances in specified amounts that is the subject of North Carolina General Statute 90-95(h).

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, methaqualone), any student shall be expelled and any faculty member, senior administrative officer, or non-faculty EPA employee shall be discharged.

For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sale or delivery, 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, 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, senior administrative officer, or non-faculty EPA employee shall be discharged.

2. Illegal Possession of Drugs

For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N.C. General Statute 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.

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 at his/her own expense, 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.

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, senior administrative officers, or EPA non-faculty employees.

3. Suspension Pending Final Disposition

When a student, faculty member, senior administrative officer, or non-faculty EPA employee has been charged by the University with a violation of policies concerning illegal drugs, he/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 as promptly as possible thereafter.

4. Penalties for SPA Employees

Discipline for SPA employees is prescribed in regulations published by the State Personnel Commission. Violations of this Policy and of North Carolina state law on controlled substances shall deem "personal misconduct" actionable under these rules. Penalties for offenses described herein will be in accordance with state policy.

VI. OPERATIONAL PROCEDURES

Under the University's *Policy on Illegal Drugs* (hereafter referred to as "the Policy"), disciplinary proceedings against a student will be initiated when two requirements are met:

- There is a reasonable basis for believing that the person has violated this Policy or North Carolina law pertaining to controlled substances; and
- The alleged conduct is deemed to harm the interests of the University.

The first requirement, above, can be satisfied by either of the following:

- A conviction or a guilty plea resulting from criminal prosecution, or
- Independent evidence obtained by University officials, including police officers.

This statement establishes certain procedures and guidelines for determining when the second requirement is met.

A. Conduct Occurring Beyond Campus Boundaries

Alleged conduct involving the illegal use of drugs occurring beyond the boundaries of the campus may be considered harmful to the University. The Administrative Hearing Officer in the Division of Student Affairs will initiate disciplinary action when these minimal conditions are present:

- Such alleged conduct occurs during a period in which the student is actively enrolled as a student at the University; and
- Such alleged conduct has resulted in charges of possession/trafficking made by a civil authority.

Other conduct occurring beyond the campus may also be actionable under the *Policy on Illegal Drugs*, depending on the circumstances.

B. Conduct Occurring Within Campus Boundaries

The officer will report the incident to the appropriate University office, as follows, for consideration of whether conduct action under the Policy should be taken:

- All University Police and personnel encountering instances of conduct involving illegal drugs will make reports to the Associate Dean of Students for disciplinary action.
- The report of drug-related behavior to the Associate Dean of Students may be accompanied by an explanation of mitigating factors. Such mitigating factors may include, but are not limited to, the isolated or singular character of the incident as evidenced by a student's unusual conduct in comparison with what is known to be his/her normal behavior, and the absence of prior reports of similar acts by such student.

Charges will be made and hearings will be held in accord with the *Student Code of Conduct* published by the Division of Student Affairs and contained in the *UNCG Calendar/Student Handbook* and on the University's Web site (<http://studentconduct.uncg.edu/>).