

FAYETTEVILLE STATE UNIVERSITY

ILLEGAL DRUGS

Authority:	Fayetteville State University Board of Trustees
Category:	General University Policies
Applies to:	●Faculty ●Staff ●Students
History:	Last Revised: March 21, 2001
Related Policies:	Section 1300.1 of the UNC Policy Manual The Drug-Free Workplace Act of 1988 The Drug-Free School and Communities Act
Contact for Info:	Office of Human Resources, (910) 672-2889 Division of Student Affairs, (910) 672-1200

I. Introduction

The Board of Governors requires each constituent institution's Board of Trustees to develop a policy on illegal drugs applicable to all students, faculty members, and other employees. To assist Fayetteville State University in its continuing efforts to meet the threat of illegal drugs, and to comply with the Board of Governors' directive and applicable federal law, the Board of Trustees adopted a drug policy, which is 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 rights.

II. Policy Implementation

The head of a respective division, department or office is responsible for policy implementation. In addition, each unit head shall ensure that each individual under his or her supervision is provided information as required by this drug policy and will maintain verification that such information has been provided. The Division of Student Affairs is responsible for policy implementation among the student body and for ensuring that all students are provided information specified in this drug policy.

III. Educational Programs

The educational programs at the University shall involve all aspects of the university community, including administrator, faculty, staff, and students. These educational programs shall emphasize the following subjects:

- A. The incompatibility of the use or sale of illegal drug with University goal;
- 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.

IV. Counseling and Rehabilitation

Counseling and rehabilitation related to drug abuse is an important part of the University's drug policy. The following specific activities shall be implemented:

- A. Information regarding the drug-related services and referral process OF THE Center for Personal Development shall be disseminated to students, faculty, administrators and staff;
- B. Members of the academic community who are aware of individuals with drug problems shall be encouraged to make referrals to the Center for Personal Development and/or other agencies;
- C. A drug abuse and prevention counseling and rehabilitation resource list shall be made available to all members of the university community; and,
- D. Person who voluntarily avail themselves of University services shall be assured that applicable professional standards of standards of confidentiality will be observed.

IV. Enforcement and Penalties

Students, faculty members and other employees of Fayetteville State University 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 (NCGS). 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 interest of the University.

Penalties will be imposed by the University in accordance with Section 502D(3), Sections 603 and 604 of *The Code* of the University of North Carolina, the Board of

Governors' policies applicable to employees (other than faculty members) exempt from the State Personnel Act, and by regulations 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 discharge from employment. However, the following minimum penalties shall be imposed for the particular offenses described.

A. Manufacturing, Sale, or Delivery of Illegal Drug

For illegal manufacture, sale, delivery, or possession with intent to manufacture, sell or deliver any controlled substance identified in Schedule I from NCGS 90-89 or Schedule II, NCGS Section 90-90 (including, but not limited to: heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), the any student shall be expelled from enrollment and any faculty member, administrator or other employee shall be discharged.

B. Illegal Possession of Drugs

For the *first* offense involving the illegal possession of any controlled substance identified in Schedule I from NCGS 90-89 or Schedule II, NCGS Section 90-90, the minimum penalty shall be suspension from enrollment or from employment for 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 from NCGS 90-91 through 90-94, (including, but not limited to marijuana and tetrahydrocannabinols), 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 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, administrators or other employees.

V. 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 employment or enrollment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor or his or her 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. If such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

VI. Program Assessment

As an ongoing evaluation of the drug policy at Fayetteville State University, regular assessment will be made as follows:

- A. Apprise the university's environment to determine any underlying causes of drug abuse;
- B. Assess campus awareness, attitudes, and behaviors regarding the abuse of drugs and employee results in program development;
- C. Collect and use drug-related information from police or security reports to guide program development;
- D. Collect and use summary health and counseling client information to guide program development; and,
- E. Collect summary data regarding drug-related disciplinary actions and use it to guide program development.

VII. Reporting

The Chancellor shall submit annual reports to the Board of Trustees on campus activities related to illegal drugs. The reports shall include, as a minimum, the following: (1) a listing of the major drug-related educational activities conducted during the year; (2) a report of illegal drug-related incidents, including 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 this report shall be provided to the President of the University.