Drug and Alcohol Policy of The University of North Carolina at Pembroke

Authority: Board of Trustees

History:
- Revised: August 21, 2012.
- Last Revised: December 14, 2012.

Related Policies:
- Administrative Memorandum 259
- UNC Policy 1300.1 - Illegal Drugs

Additional References
- N.C. General Statute § 18B-302 - Sale To or Purchase By Underage Persons
- UNC Pembroke Tailgating Policy
- UNC Pembroke Drug and Alcohol Policy
- UNC Pembroke Student Handbook Administrative Policies
- UNC Pembroke Student Government Constitution
- UNC Pembroke Faculty Handbook
- UNC Pembroke EPA Handbook
- State Personnel Manual State Personnel Commission
- SPA Employee Grievance and Appeal Policy
- Clery Act
- Section 483 of the Federal Higher Education Amendments of 1998
- UNC Code Section 502 - Chancellors of Constituent Institutions
- UNC Code Section 603 - Due Process Before Discharge or The Imposition of Serious Sanctions
- N.C. General Statute § 90-88 - Controlled Substances Act
- N.C. General Statute § 90-89 - Schedule I, Controlled Substances
- N.C. General Statute § 90-90 - Schedule II
- N.C. General Statute § 90-91 - Schedule III
- N.C. General Statute § 90-94 - Schedule VI
- N.C. General Statute § 14-35 - Hazing; Definition and Punishment
- UNC Pembroke Code of Conduct
- 20 US Code § 1092 (f) - Institutional and Financial Assistance Information for Students
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- 34 Code of Federal Regulations §86.100 - What must the IHE’s drug prevention program include?
- North Carolina Alcoholic Beverage Control Commission.
- Appendix 1 - Committee on Substance Abuse Prevention (CSAP) Biennial Review Form
1. INTRODUCTION

1.1 This policy is adopted by the Board of Trustees of The University of North Carolina at Pembroke in conformity with the direction of the Board of Governors of The University of North Carolina. It is applicable to all students, faculty members, administrators, and other employees. This policy is also intended to comply with the requirements of the Drug-Free Schools and Campuses regulations of the U.S. Department of Education.

1.2 The University of North Carolina at Pembroke (the “university” or “UNCP”) is dedicated to providing a work, study, and recreational environment that does not include illegal drugs, abuse of prescription medications, or excessive use of alcohol. All students, staff, faculty, and guests are viewed by the university as individually responsible and legally accountable for their actions. The illegal possession, sale or use of drugs, including alcohol, adversely affects the academic community. Toward that end, the university notifies in writing, the parents of students under the age of 21 of such offenses.

1.3 In addition, students should be aware that the UNCP Student Code of Conduct extends to any student whose conduct on or off campus becomes unsatisfactory and is determined to have a detrimental impact on the mission of the university. Students whose behavior off campus requires the involvement of law enforcement or other authorities may be subject to appropriate judicial sanctions from the university. This behavior includes being intoxicated in public, displaying alcohol, driving under the influence, or illegally possessing or using alcohol, or providing alcohol to students under the legal age. Manufacturing, selling, using, or possessing narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other known drugs, and/or chemicals is included in this code, as is buying, selling, possessing, or using any kind of drug paraphernalia or counterfeit drugs.

1.4 The university has developed drug education, prevention, and intervention programs. Members of the university community are encouraged to become familiar with the programs and are invited to take advantage of the services provided.

1.5 The chancellor has designated the Counseling and Testing Center (CTC) as the coordinating agency of drug education. With that designation, the CTC is the office, under the supervision of the director, responsible for overseeing all programs and changes related to this policy.

2. ALCOHOL/DRUG EDUCATION PROGRAMS

2.1 The university 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:

2.1.a. the incompatibility of the use or sale of illegal drugs with the goals of the university;

2.1.b. the legal consequences of involvement with illegal drugs;
2.1.c. the medical implications of the use of illegal drugs; and

2.1.d. the ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

2.2 Committee on Substance Abuse Prevention (CSAP)

2.2.1 The CSAP is a comprehensive and interdisciplinary team of campus and community professionals as well as students that provides informed guidance and advises the university community with coordinated drug-related education, prevention, and intervention services. The term “drugs” includes both legal drugs (i.e., alcohol, prescription medications, over-the-counter medications, nicotine, caffeine, etc.) and illegal drugs as covered by the Controlled Substance Act. CSAP defines itself as an advisory board for the prevention, intervention, and education policies and activities concerning the use and/or abuse of tobacco, alcohol, and other drugs. A staff member of the Counseling and Testing Center serves as chairperson of CSAP. CSAP activities encourage individuals to:

2.2.1.a. value and maintain sound health;

2.2.1.b. respect state/federal laws and university regulations;

2.2.1.c. recognize and resist pressure to use drugs;

2.2.1.d. promote drug-free activities;

2.2.1.e. promote the use of rehabilitation resources; and

2.2.1.f. recognize the incompatibility of drug abuse and achievement of personal goals.

2.3 Educational Activities and Counseling Services

2.3.1. Division of Student Affairs provides the following:

2.3.1.a. annual notification to all enrolled students of the consequences of drug use and/or abuse;

2.3.1.b. administration of an annual, anonymous, freshman wellness survey;

2.3.1.c. educational programs in a variety of formats;

2.3.1.d. a multimedia library on drug related topics;

2.3.1.e. alternative programming promoting drug-free fun;

2.3.1.f. Living/Learning programs in the residence halls;
2.3.1.g. observance of National Collegiate Alcohol Awareness Week;

2.3.1.h. peer-educators to encourage informed choices concerning alcohol consumption and to discourage the use of illegal drugs;

2.3.1.i. twelve-step meeting schedules, e.g., AA, NA, etc;

2.3.1.j. referral information for students;

2.3.1.k. drug assessment and/or counseling for students;

2.3.1.l. support groups and drug awareness workshops;

2.3.1.m. drug education and assessment for student violators of this drug policy; and

2.3.1.n. a biennial review of the drug and alcohol prevention program to:

2.3.1.n.1. determine its effectiveness and implement changes to the program if they are needed; and

2.3.1.n.2. ensure that the disciplinary sanctions are consistently enforced. (Appendix 1)

2.3.2 Division of Academic Affairs provides the following:

2.3.2.a. alcohol/drug modules in all freshman seminar classes;

2.3.2.b. academic credit courses in drug abuse prevention and chemical dependency;

2.3.2.c. academic credit courses in wellness and fitness; and

2.3.2.d. a wellness committee to promote healthy choices.

2.3.3 Division of Business Affairs provides the following:

2.3.3.a. an Employee Assistance Program (EAP) which includes consultation, assessment, and referral; and

2.3.3.b. annual written notification of all employees of this drug policy, the consequences of drug use/abuse, and available resources, including EAP, for counseling and rehabilitation.

3. INSTITUTIONAL POLICY ON DRUGS AND ALCOHOL

3.1 Individuals who suspect they may have a drug or alcohol problem are encouraged to seek help through the CTC or EAP before the problem affects their academic performance, work performance, or conduct. Anyone reporting to class/work under the influence of alcohol or illegal drugs or using alcohol or illegal drugs on the job may be suspended or dismissed without
warning. In addition to disciplinary action by the university, violation of the university’s drug-free policy may be cause for criminal prosecution by government or law enforcement agencies.

3.2 The illegal possession, sale, or use of drugs, including alcohol, will not be tolerated at the university. Violation will result in sanctions which may include dismissal from employment and the termination of student status (suspension or expulsion). The university may impose sanctions if it is proven by a preponderance of evidence that a violation has occurred. Students, faculty and staff are subject to federal, state, and local laws as well as university rules and regulations. Members of the university community are not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. Although the university reserves the right to impose more severe sanctions for any violation of its Drug and Alcohol Policy as circumstances may warrant, the minimum penalties that may be imposed for particular offenses are set out herein below.

3.3 Alcohol Possession and/or Consumption Regulations for UNCP Students and Employees.

3.3.1 Programs exist on campus to assist persons of legal age in making informed choices concerning alcohol.

3.3.2 Students of legal age are permitted to possess and consume beer, unfortified wine, fortified wine, spirituous liquor, and mixed beverages only within the confines of their residence hall rooms. Caffeinated Alcoholic Beverages (CABs; i.e., Four Loko, MoonShot, Joose) are prohibited on campus.

3.3.3 Students aged 21 years and older are permitted to possess and consume alcohol while tailgating in designated areas or parking lots prior to UNCP football games.

3.3.4 Student possession and/or consumption of any alcoholic beverage is prohibited at any location except as indicated in section 3.3.2 and 3.3.3 of this drug policy.

3.3.5 Student fees cannot be used to purchase alcohol.

3.3.6 Kegs are not permitted on campus. Students are not to possess kegs, or any common source containers of alcohol such as “party balls,” or use any item such as bathtubs, trash cans, or similar container to hold alcohol. Beer funnels or other alcohol paraphernalia used for rapid consumption are not permitted anywhere on campus. Students are not allowed to construct or own a table used for the purpose of beer pong on campus. Kegs or any other rapid alcohol consumption paraphernalia brought onto campus will be seized as contraband by campus police and the contents destroyed. Kegs may be retrieved with proof of ownership when the student is prepared to remove them from campus. The chancellor of The University of North Carolina at Pembroke reserves the right to approve the use of alcoholic beverages (including kegs of beer) at special functions, provided appropriate permits are obtained from the North Carolina Alcoholic Beverage Control Commission.

3.3.7 In an effort to create sanctions for the violations to the university alcohol and drug policy that reflect UNCP’s commitment to reduce underage and high-risk drinking and adherence to N.C. General Statute § 18B-302, the following will be enforced on a case-by-case basis.
Minimum sanctions against students for underage consumption or possession/public display of alcohol:

3.3.7.a. 1st Offense. Offenders will participate in a drug education and/or counseling program at their cost (currently $100.00), and parental notification of offenses will occur;

3.3.7.b. 2nd Offense. Offenders will participate in additional drug counseling and assessment and follow all counseling recommendations. Offenders will pay the fee for this program (currently $100.00), be placed on conduct probation for a term to be determined by the judicial process, and parental notification of offenses; and

3.3.7.c. 3rd Offense. Suspension from the university for a period of at least one semester.

3.3.8 Sanctions for consumption, public display or excessive use of alcohol (see section 3.5) by students 21 and older that require the involvement of campus police or the office of student affairs shall be determined on a case-by-case basis, but may include:

3.3.8.a. 1st Offense. Offenders will participate in a drug education and/or counseling program at their cost (currently $100.00);

3.3.8.b. 2nd Offense. Offenders will participate in additional drug counseling and assessment and follow all counseling recommendations. Offenders will pay the fee for this program (currently $100.00) and be placed on conduct probation for a term to be determined by the judicial process; and

3.3.8.c. 3rd Offense. Suspension from the university for a period of at least one semester.

3.3.9 It is against the law for anyone to sell or give any alcoholic beverage to a person under twenty-one (21) years of age or to aid or abet such a person in selling, purchasing, or possessing any alcoholic beverage. Any person under 21 years old who aids or abets an underage person in violating this law may be fined $500, imprisoned for 6 months, or both. Any person 21 years or older who aids or abets an underage person to violate this law may be fined $2000, imprisoned for 2 years, or both (General Statute 18B-302). It is the policy of the university to cooperate with local law enforcement who may be investigating incidents where violations of this law have been committed on and off campus. Minimum sanctions for students over 21 who provide alcohol to minors:

3.3.9.a. Offenders will participate in a drug education and/or counseling program at their cost (currently $100.00). This program will focus on alcohol laws, responsible service practices, and social host liability laws;

3.3.9.b. Conduct probation for a term to be determined by the judicial process; and

3.3.9.c. A second offense of this violation will mean suspension from the university for a period of at least one semester.
3.3.10 Campus mandatory drug education and assessment must be completed within forty (40) business days of the initial referral; if not, the student must complete an approved off-campus drug education/counseling program at his/her expense BEFORE being permitted to register for future classes or graduate. Failure to keep campus drug education/counseling appointments will result in a $25.00 fee for each missed appointment.

3.3.11 Guests in violation of the Drug and Alcohol Policy shall be required to leave campus and could face additional sanctions, including arrest and criminal charges. Students who have guests on campus are responsible for their guests at all times and will be held accountable for their guest’s actions.

3.3.12 Penalties for employees who violate any applicable laws or university policies regarding illegal possession or use of alcohol or provision of alcohol to persons under 21 years of age will be determined on a case-by-case basis and will cover the entire range of penalties available to the university as an employer, including but not limited to suspension and discharge from employment.

3.4 Social Host Liability Law

3.4.1 In addition to the substantial criminal penalties for furnishing alcohol to an underage person and/or helping an underage person obtain alcohol, individuals and student groups serving alcohol to friends or guests should be aware that if:

3.4.1.a. a person serves an alcoholic beverage to someone whom the server knew, or should have known, was under the influence of alcohol; and

3.4.1.b. the server knew that person would shortly thereafter drive an automobile, a jury could conclude some injury could result from the negligent conduct.

3.4.2 This means that, if someone is injured by a drunk driver and sues the person(s) who served the driver alcohol, a jury might find that the server(s) were partly responsible for the injuries and order the server(s) to pay substantial damages to the injured person or his/her estate. Significant personal consequences could result to the host or provider of the alcohol. The above information is not intended as legal advice. If uncertain about this issue, contact a private attorney.

3.5 Excessive and/or Harmful Use of Alcohol

3.5.1 Substance abuse, especially alcohol abuse, is a significant problem on university campuses. The university strives to create a healthy academic and social environment that states high-risk or underage drinking will not be tolerated. Excessive and/or harmful use of alcohol is any abuse of alcoholic beverages, as determined on a case-by-case basis by the director of student conduct. Examples of excessive and/or harmful use of alcohol include, but are not limited to:

3.5.1.a. use of alcohol which leads to medical consequences such as passing out, blackouts (loss of memory), gastritis (vomiting, retching), physical injuries, or other medical problems;
3.5.1.b. use of alcohol in association with inappropriate behavior;

3.5.1.c. a pattern of episodes of alcohol related violations of the Student Code of Conduct; and

3.5.1.d. a single episode of intoxication in which the director of student conduct believes that the level of alcohol consumption posed a risk to the student’s health or well-being. Students who fall under this category of policy violation may be referred to the Emergency Health and Safety Committee if their behavior is deemed a safety risk (Section V, Administrative Policies of the Student Handbook).

3.6 Illega! Possession of Drugs and/or Paraphernalia for UNCP Students, Staff, and Faculty

3.6.1 Illegal drugs and drug usage. The usage (including, but not limited to, consumption, injection, smoking/inhalation, etc.), manufacture, possession, or distribution of illegal drugs or significantly mind-altering substances, pharmaceutical and otherwise (including salvia divinorum, medical marijuana, and synthetic forms of banned substances, including, but not limited to, K2, Spice, Black Magic, etc.); inappropriate/illegal use or distribution of any pharmaceutical product; being in the presence of others while the above mentioned drug use is occurring; or possession of drug paraphernalia, including bongs.

3.6.2 For a first offense involving the illegal possession or use of any controlled substance identified in Schedule I, N.C. General Statute § 90-89, or Schedule II, N.C. General Statute § 90-90, (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), the minimum penalty shall be suspension from enrollment and from employment for a period of at least one semester or its equivalent. Employees subject to the State Personnel Act are governed by regulations of the State Personnel Commission. Minimum penalties for this offense exceeds the maximum period of suspension without pay that is permitted by the State Personnel Commission regulations, so the penalty for a first offense for employees subject to the State Personnel Act is discharge from employment.

3.6.3 Students who receive an offense involving the illegal possession or use 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, rohypnol, phenobarbital, codeine) and/or the possession of drug paraphernalia, the minimum penalty shall be:

3.6.3.a. 1st Offense. Conduct probation for a period to be determined on a case-by-case basis, mandatory participation in a drug education and assessment program (currently $100 for students), and parental notification. This does not preclude criminal action from being initiated; and

3.6.3.b. 2nd Offense. For a second or other subsequent offenses involving illegal possession of controlled substances identified in Schedules III-VI, progressively more severe penalties shall be imposed. For students, the minimum penalty cannot be less than suspension for a period of at least a semester; more severe penalties may be imposed, including expulsion. To be readmitted after a suspension, the student (at his/her own expense) must submit documentation of completed drug education and assessment at least equivalent to that which would have been received at the
university, multiple negative drug tests over a period of time, and meet such other conditions as the university may require. This does not preclude criminal action from being initiated.

3.6.4 Campus mandatory drug education and assessment for students must be completed within 40 business days of the initial referral. If not, the student must complete an approved off-campus drug education and assessment program at his/her expense BEFORE being permitted to register for future classes, transfer, or graduate. Failure to keep campus drug education and assessment appointments will result in a $25.00 fee for each missed appointment. This fee applies to all referred offenders from campus police, student affairs, and athletics.

3.6.5 Students’ participation in illegal drug activity off campus may be grounds for imposition of sanctions by the university when a nexus to that activity exists on campus. Such activities may include, but are not limited to, drug testing results for internship participation or athletic requirements. Athletes referred directly by the athletic director for NCAA regulation violations do not incur the above fees, but are subject to the missed appointment fee.

3.6.6 Section 483 (r)(1) of the Federal Higher Education Amendments of 1998 states: “A student who has been convicted of any offense under Federal or State law involving the possession or sale of a controlled substance SHALL NOT BE ELIGIBLE TO RECEIVE ANY GRANT, LOAN, OR WORK ASSISTANCE under this title during the period beginning on the date of such conviction” and lasting for one year, two years, or indefinitely, depending on the offense.

3.6.7 Penalties for employees who violate any applicable laws or university policies regarding illegal possession or use 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, rohypnol, phenobarbital, codeine) and/or the possession of drug paraphernalia will be determined on a case-by-case basis and will cover the entire range of penalties available to the university as an employer, including but not limited to, probation, suspension, and discharge from employment. If an unexpired balance of the prescribed period of probation for an employee subject to the State Personnel Act exceeds the maximum period of suspension without pay permitted by the State Personnel Commission regulations, that employee shall be discharged.

3.7 Trafficking in Illegal Drugs for UNCP Students, Staff, and Faculty

3.7.1 For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sale or deliver, 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 employee shall be terminated.

3.7.2 For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sale or deliver, any controlled substance identified in Schedules III through VI, N.C. General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, rohypnol, phenobarbital, codeine), the minimum penalty shall be suspension from enrollment or employment for a period of at least one semester or its equivalent. Employees subject to the State Personnel Act are governed by regulations of the State Personnel Commission. Minimum
penalties for this first offense exceed the maximum period of suspension without pay that is permitted by the State Personnel Commission regulations; so, the penalty for a first offense for employees subject to the State Personnel Act is discharge from employment.

3.7.3 For a second offense, any student shall be expelled and any employee shall be terminated.

3.8 Abuse of Prescription and/or Over-the-Counter Medications

3.8.1 The abuse of legal medications can lead to serious health complications for the user. Abuse of some medications can also lead the individual to exhibit behavior which is dangerous to self and others. The university strongly supports efforts of individuals to change maladaptive behavior and offers services through the Counseling & Testing Center, Student Health Services, and EAP. Continued abuse and disruptive behavior may result in disciplinary action.

3.9 Hazing for UNCP Students and Student Groups

3.9.1 The N. C. General Statute § 14-35 defines hazing as follows: “to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group.”

3.9.2 Hazing violations involving drugs and/or alcohol will be required to participate in the campus mandatory drug education/counseling program as well as incur all costs associated with the program.

3.10 Suspension Pending Final Disposition

3.10.1 A student, faculty member, administrator, or other employee charged with a violation of this policy may be suspended from enrollment and employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor or his/her designee concludes that the person’s continued presence would constitute a clear and immediate danger to the health or welfare of any member of the university community. When a suspension is imposed, an appropriate hearing of the charges against the person suspended shall be held as promptly as possible.

3.11 Process for Imposition of Penalties

3.11.1 Students, faculty, and staff are subject to all local, state, and federal laws relating to drug use and possession. Action on the part of the university is based upon its right to carry out its appropriate mission and is not designed to be merely punitive. University action is not dependent upon and does not preclude criminal or civil action in the courts.

3.11.2 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 502 D (3) and Section 603 of The Code; by the Board of Governors policies applicable to other employees exempt from the State Personnel Act; and by regulations of the State Personnel Commission. Faculty should refer to section 4, page 63, “Due

3.12 Policy Implementation and Reporting


4. HEALTH RISKS OF PSYCHOACTIVE DRUGS

4.1 All psychoactive drugs (including alcohol) can produce negative health risks associated with long-term chronic use. Some, but not all, related health risks are listed below.

4.1.1 Alcohol (medically classified as a depressant). Central nervous system depression, impaired judgment, liver damage, malnutrition, pancreatitis, lowered immunities, and severe birth defects in babies whose mothers used alcohol during pregnancy. An overdose may result in a coma and death.

4.1.2 Cocaine. Anxiety, insomnia, paranoia, perforation of the nasal septum, seizures, and cardiac arrest.

4.1.3 Depressants (e.g., Librium, Xanax, Valium). Central nervous system depression, staggering gait, visual disturbances, lethargy, dizziness, and nausea.

4.1.4 Hallucinogens (e.g., LSD, PCP, and hallucinogenic mushrooms). Visual distortions, increased heart rate and blood pressure, psychotic episodes, panic disorders, and flashbacks.

4.1.5 Inhalants. Nausea, headaches, and perceptual distortions. Permanent damage to bone marrow, lungs, liver, and kidneys and a risk of lung or cardiac arrest with initial or repeated use.

4.1.6 Marijuana. Increased heart rate, lowered body temperature, impaired coordination, appetite stimulation, weakened immune system, increased risk of throat/lung cancer, and speech/memory/learning distortions. Long term use may result in short term memory loss, amotivational syndrome, and reproductive system abnormalities.
4.1.7 Narcotics (e.g., codeine, heroin, morphine). Shallow breathing, reduced sex drive, apathy, anxiety, mood swings, nausea, and respiratory depression. An overdose may induce a coma, convulsions, respiratory arrest, or death.

4.1.8 Rohypnol (flunitrazepam, commonly called the date rape drug). Drowsiness, impaired motor skills, and inability to recall events. Combined with alcohol or other drugs may lead to respiratory depression, aspiration, and death.

4.1.9 Stimulants (amphetamines). Anxiety, agitation, malnutrition, irregular heartbeat, chronic sleeplessness, and amphetamine psychosis.

5. APPLICABLE FORMS

5.1 Committee on Substance Abuse Prevention (CSAP) Biennial Review Form