POL - 40.01.3 - Policy on Illegal Drugs

Authority: Board of Trustees

Responsible Office: Student Conduct and Community Standards

Number: POL - 40.01.3 - Policy on Illegal Drugs

History: Effective: July 11, 1997; Revised June 29, 2016.


Contact Info: Office of Student Conduct and Community Standards, 919-530-6311, studentrights@nccu.edu

1. Introduction

North Carolina Central University makes every effort to ensure that the path to learning and moral growth is open to all whom, by their motivation and their achievements, hold promise to succeed. All members of the university community (students, faculty, administrators, and staff) share the responsibilities for protecting this pathway to learning, and are expected to exemplify high standards of professional and personal conduct. Illegal drugs endanger the health and safety of members of higher education in the North Carolina Central University (NCCU) community and imperil the integrity of the pursuit of learning. In order to meet the threat that illegal drugs pose to the NCCU community, the Board of Trustees adopts the policy set forth below. The policy provides for education, counseling, rehabilitation and elimination of illegal drugs. The policy also provides for the imposition of penalties for individuals who violate the policy.

2. Scope

This policy is applicable to students, faculty and staff of the University.

3. Education, Counseling and Rehabilitation

3.1 NCCU shall establish and maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs. The educational program shall emphasize: (1) the incompatibility of the possession, 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.

3.2 NCCU 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
shall be assured that applicable professional standards of confidentiality will be observed.

4. Enforcement and Penalties

4.1 NCCU shall take all actions necessary, consistent with state and federal law and applicable
University policy, to eliminate illegal drugs from the University community. The institutional
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 and staff.

4.2 Students, faculty and staff 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 designed collectively as “controlled substances” in North Carolina Controlled
Substances Act. 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.

4.3 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 the Student Code of Conduct (for students), The Code of the Board of Governors (for
faculty), EHRA Non-Faculty Employment Policies (for employees exempt from the State Human
Resources Act) and the SHRA Disciplinary Policies and Procedures (for employees subject to the
State Human Resources Act).

4.4 Penalties to be imposed by NCCU will vary depending upon the nature and seriousness of the
offense and may include a range of disciplinary actions up to and including expulsion from
enrollment and discharge from employment. The University may also refer matters to law
enforcement for prosecution.

4.4.1 Employees

An employee found to have violated applicable law or University policies concerning illegal drugs
may be required 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 his/her designee, deems appropriate. Refusal or failure to abide by such
conditions and restrictions may result in additional disciplinary action, up to and including,
expulsion from enrollment and discharge from employment.

4.4.2 Students

Depending on the amount of illegal substance involved, the student may be suspended or expelled
from the University, as well as prosecuted. Students found responsible for offenses regarding the use, possession, sale or distribution of illegal drugs may be sanctioned as follows, at the discretion of University officials, in accordance with the Student Code of Conduct. The sanctions listed below serve only as guidelines:

4.4.2.1 First Violation

4.4.2.1.1 Disciplinary Probation for no less than the remainder of the current semester and the next academic semester;

4.4.2.1.2 $50 Conduct Fee;

4.4.2.1.3 Parental Notification if dependent student under the age of 21;

4.4.2.1.4. Referral to substance use education program with Student Health and Counseling; and

4.4.2.1.5. Residence Hall Probation for period of conduct probation (dependent upon the circumstances) or Residence Hall Separation if incident occurred in Residence Hall.

4.4.2.2 Second Violation

4.4.2.2.1 Deferred Suspension;

4.4.2.2.2 $100 Conduct Fee;

4.4.2.2.3 Parental Notification if dependent student under the age of 21;

4.4.2.2.4 Completion of outside substance abuse assessment and any recommended treatment program, at own cost; and

4.4.2.2.5 Removal from Housing.

4.4.2.3 Third Violation

4.4.2.3.1 Suspension or expulsion from the University (depending on circumstance);

4.4.2.3.2 Removal from Housing.

4.4.2.4 Possession with intent to sell and/or actual sale/manufacture/delivery or drugs.

4.4.2.4.1 Suspension or Expulsion from the University

5. Suspension Pending Final Disposition

When a student, faculty or staff member 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 his/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; provided, that if such a suspension, if imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as
possible thereafter.

6. Implementation and Reporting

6.1 Acting under the authority of the Chancellor, the Department of Human Resources and Student Health and Counseling, will serve as Coordinators of drug education for the campus community, and will be responsible for overseeing all actions and programs relating to this policy.

6.2 In accordance with state and federal law regarding illegal drugs, including, without limitation, the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, coordinators shall be responsible for conducting a biennial review of the effectiveness of its educational programs regarding illegal drugs and the consistency of sanction enforcement. Coordinators shall maintain the results of these reviews on file.