Substance Abuse Policy

East Carolina University is dedicated to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end. The highest standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal or abusive use of drugs or alcohol, referred to in this policy as substance abuse, by members of the university community adversely affects the mission of the university and is prohibited.

Accordingly, the East Carolina University Board of Trustees adopts the following policy, consistent with The UNC Board of Governors' Policy on Illegal Drugs. The policy is intended to accomplish the following:

- prevent substance abuse through a strong educational effort;
- encourage and facilitate the use of counseling services and rehabilitation programs by those members of the academic community who require their assistance in stopping substance abuse; and
- discipline appropriately those members of the academic community who engage in illegal drug or alcohol related behaviors.

Educational Efforts to Prevent Substance Abuse

In keeping with its primary mission of education, East Carolina University will conduct a strong educational program aimed at preventing substance abuse and illegal drug or alcohol use. Educational efforts shall be directed toward all members of the academic community and will include information about the incompatibility of the use or sale of illegal substances with the goals of East Carolina University; the health hazards associated with illegal drug or alcohol use; the incompatibility of substance abuse with the maximum achievement of educational, career, and other personal goals; and the potential legal consequences of involvement with illegal drugs or alcohol.

Counseling and Rehabilitation Services to Prevent Substance Abuse

Those faculty, staff, or students who seek assistance with a substance abuse related problem shall be provided with information about drug counseling and rehabilitation services available through East Carolina University and also through community organizations. Those who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

Disciplinary Actions to Prevent Substance Abuse

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 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 expected that East Carolina University students, faculty members, administrators, and other employees who use or possess alcoholic beverages will do so as legally prescribed by the laws of the State of North Carolina, within the regulations of East Carolina University, and in a manner which does not disrupt the lives of others.
A person whose conduct is outside these parameters will be subject to the judicial rules and procedures of 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 proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the university.

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 Appendix D, Tenure and Promotion Policies and Procedures of ECU, by board of governors' policies applicable to the employees exempt from the State Personnel Act, by the East Carolina University Student Judicial System, 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 discharges from employment. However, the following minimum penalties shall be imposed for the particular offenses described.

a. Trafficking in Illegal Drugs
   (1) For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC 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, administrator, or other employee shall be discharged.
   (2) 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 VI, NC 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, administrator, or other employee shall be discharged.

b. Illegal Possession of Drugs
   (1) For a first offense involving the illegal possession of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC 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.
   (2) For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, NC 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, 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.
   (3) 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.

**Possession and Use of Alcohol**

(1) For offenses involving the illegal possession, use, sale, and/or distribution of alcohol in violation of NC General Statutes 18B-300 & 12B-301 & 302; 18B-1006(a); or Greenville Ordinance No. 812-1-2, a student will be subjected to a progressive penalty system based on the type of infraction and the circumstances involved. Penalties may be warning, probation, fine, volunteer community service, and/or removal from the residence system or the university.

(2) In certain circumstances, involvement in an alcohol education and/or counseling program may be offered to a student in lieu of being referred to the Honor Board with a recommendation for suspension. Specifically, a student given this option will be required to participate in a program of assessment, education, and counseling; pay a fee of sixty dollars, and be placed on university probation. A student may participate in this program only once in lieu of disciplinary action.

(3) University employees subject to the State Personnel Act may be disciplined in accordance with the rules and regulations for personal misconduct, i.e., final written warning, which may include a three day suspension without pay, or dismissal. When a student, faculty member, administrator, or other employee has been charged by the university with a violation of policies concerning illegal drugs or alcohol, 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 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.

In the case of employees, anyone convicted of a criminal drug statute violation occurring in the work place shall notify the university no later than five days after such a conviction. The university will commence disciplinary action against such an individual within thirty days of notice of the conviction.

**Responsibilities Under This Policy**

Authority to implement the policy shall reside in the chancellor. The chancellor shall designate a coordinator of drug and alcohol education who shall, acting under the authority of the chancellor, be responsible for overseeing all actions and programs relating to this policy. All employees and students shall be responsible for abiding by the provisions of this policy. In the case of employees, adherence with the provisions of the policy shall be a condition of employment. The chancellor will render an annual report to the board of trustees on the effectiveness of this policy.

**Dissemination of This Policy**

A copy of this policy shall be given annually to each employee and to all new employees at the beginning of their employment. Each student shall receive a copy and new students shall be given a copy during orientation. The policy shall be printed in appropriate student documents and posted on official bulletin boards of the university.