

## 8.00 POLICY ON ILLEGAL DRUGS

### I. Purpose

Western Carolina University is an academic community dedicated to the transmission and advancement of knowledge and understanding. The Board of Trustees is committed to the maintenance and protection of an environment in which students and faculty members may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors. Moreover, it is the obligation of all members of the university community - faculty, students, administrators, and other employees - to help maintain an environment wherein academic freedom flourishes and in which the rights of each member of the academic community are respected.

The illegal use of, and trafficking of in drugs can jeopardize the welfare of members of this academic community. Accordingly, in an effort to responsibly address such threats to the integrity of the academic environment, the Board of Trustees adopts this policy.

### II. Applicable Policies, Practices and Programs

*Please note that this policy may be revised at any time, for the most current information please refer to the DSCE website.*

#### A. Education, Prevention, Counseling and Rehabilitation

1. Just as the primary purpose of Western Carolina University is education, so also the university's major effort to address drug abuse should be educational in nature. The university shall maintain a comprehensive drug education program available to all members of the academic community (students, faculty, administration and staff). The activities of the program shall be the responsibility of the Drug and Alcohol Education Task Force co-chaired by the vice chancellor for student affairs and the associate vice chancellor for academic affairs (or their designees) and composed of faculty, staff and students. The task force shall develop and coordinate an ongoing program available to all members of the academic community that:
  - a. informs members of the academic community about the health hazards associated with drug abuse.
  - b. emphasizes the incompatibility of drug abuse and maximum achievement of personal and educational goals.
  - c. encourages members of the campus community to make use of available campus and community counseling, medical, and rehabilitation resources in dealing with drug-abuse problems.

- d. informs members of the academic community that they also may be subject to criminal prosecution for violating state laws relating to the illegal use, possession, delivery, sale, manufacture or creation of controlled substances.
2. Western Carolina University shall provide information about drug counseling and rehabilitation services to members of the university community, through campus-based programs for students and through community-based organizations for faculty, staff, and students. Persons who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

## B. Enforcement and Penalties

1. Western Carolina University 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 catalogs and other relevant materials distributed to faculty members, administrators, and other employees.
2. 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 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 shall 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.
3. Penalties shall 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 student discipline, tenure regulations EPA non-faculty personnel policies, and by regulations of the State Personnel Commission.<sup>1</sup>
4. The penalties to be imposed by the university shall 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.

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<sup>1</sup> Rules of the State Personnel Commission govern disciplinary actions that may be taken against SPA employees; under current commission policies, discharge rather than suspension is the applicable penalty for SPA employees in instances where this policy otherwise requires suspension.

### III. Trafficking in Illegal Drugs

- A. 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, administrator or other employee shall be discharged.
- B. 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, 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, administrator, or other employee shall be discharged.

### IV. Illegal Possession of Drugs

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

- C. For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of the 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 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.

#### VI. Compliance with Federal Drug-free Workplace Act of 1988: Pertaining to Employees

- A. As a condition of employment, an employee must abide by the terms of this policy and must notify the immediate supervisor at Western Carolina University of any criminal drug conviction occurring in the workplace no later than five days after that conviction.
- B. Western Carolina University will notify federal granting or contracting agencies within ten days after receiving notice that an employee directly engaged in a grant or contract has been convicted of a drug offense in the workplace.
- C. Western Carolina University will impose sanctions and/or require satisfactory participation in drug abuse or rehabilitation programs by an employee convicted of a drug related violation in the workplace no later than thirty days after notice of said conviction.

\*Rules of the State Personnel Commission govern disciplinary actions that may be taken against SPA employees; under current commission policies, discharge rather than suspension is the applicable penalty for SPA employees in instances where this policy otherwise requires suspension.