

## DRUG AND ALCOHOL USE- BP 2.4

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*Legal Authority: 23 NCAC 2C .0210; NC Gen Statutes Article 5, Chpt 90*

*Approval: April 19, 2011*

*Revision:*

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### **DRUG AND ALCOHOL USE**

The Board believes that all students and employees of the College have the right to study and work in an environment free from the influence of illicit drugs and alcohol.

As a recipient of federal funds (including grants and other forms of assistance), the College is subject to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989 (The “Acts”), which require covered institutions of higher education to adopt and implement programs designed to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The College always has expected its students and employees to refrain from such activities and to conduct themselves at all times in a manner which would enhance the reputation of the college in the community. This Drug and Alcohol Abuse Policy (the “Policy”) is being adopted to formalize these expectations, to implement the statutory requirements of the Acts, and to provide additional Policy guidelines for maintaining a safe, drug- and alcohol-free campus and workplace.

Alcohol may be served at seminars, conferences or meetings that receive prior approval by the President. In no case may alcohol be served at student-only events or athletic events.

#### DEFINITIONS

For purposes of this Policy:

- (1) Illicit drugs means any “controlled substances,” as defined at 21 U.S.C. § 802 and listed on Schedules I through V of 21 U.S.C. § 812, as revised from time to time; as defined and listed on Schedules I through VI in Article 5 of the Chapter 90 of the North Carolina General Statutes, as revised from time to time; and as defined by other federal and state laws and regulations (unless the controlled substance has been prescribed and is being taken as prescribed). Generally, these are drugs which have a high potential for abuse and include but are not limited to marijuana, opiates, cocaine, amphetamines, and phencyclidine. Also included are other drugs that are illegal under federal, state, or local law; legal drugs that have been obtained illegally or are not being taken as prescribed by a licensed physician; and substances that are not intended for human consumption (such as glue).

- (2) Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- (3) College campus includes the buildings, grounds, parking lots, and other property of the College, or any other location where the business of the College is being performed or carried out.

## PROHIBITED CONDUCT

Students and employees of the College are expected to adhere to this Policy as a condition of their enrollment or employment at the College. A student or employee of the College will be subject to disciplinary sanctions, up to and including expulsion or termination, for engaging in any of the following prohibited conduct:

- (1) Engaging in the unlawful or unauthorized manufacture, distribution, dispensing, possession, sale, purchase, or use of any illicit drug or alcohol while on the College campus, while at school or work or during his or her school or working hours, at a College-sponsored event, while engaging in College business, while representing the College away from the College campus, or while participating in College activities;
- (2) Being under the influence of any illicit drug or alcohol while on the College campus, while at school or work during his or her school or working hours, in a College vehicle, while using College equipment, at a College-sponsored event, while engaged in College business, while representing the College away from the College campus, or while participating in College activities (reasonable use of alcohol may be permitted in a business/social setting, provided the student or employee is of legal age);
- (3) Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using an illicit drug away from the College campus in a manner that adversely affects the student's or employee's performance, his or her or others' safety at school or work, or the College's regard or reputation in the community;
- (4) Manufacturing, distributing, dispensing, possessing, selling, purchasing, or using alcohol away from the College campus in a manner that adversely affects an employee's performance at work or adversely affects the student's or employee's or others' safety at school or work;
- (5) Storing any illicit drug or alcohol in a locker, desk or other repository owned by the College or located on the College campus without prior authorization from appropriate College officials, even if the repository is made available for a student's or employee's use, or
- (6) Failing to report to the College a conviction for violation of any criminal drug statute occurring in the workplace (whether entered into upon a verdict or a plea, including a plea of nolo contendere) within five calendar days after the conviction.

## Disciplinary Sanctions

Commission of any of the above violations will result in disciplinary sanctions by the College against the offending student or employee that are consistent with federal, state, and local law. The sanction for a first offense generally either will be a written warning, suspension from enrollment or from employment without pay for up to one semester or its equivalent, or expulsion from the College or termination from employment. Any illicit drugs or alcohol found in or on College property will be turned over to the appropriate authorities, and the College will assist in any resulting criminal prosecution. The College reserves the right to refer violators of this Policy to appropriate authorities for prosecution.

Likewise, at its sole discretion and in lieu of or in addition to taking disciplinary action, the College may refer the offending student or employee to a substance abuse professional approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency, for evaluation and possible assistance. The student or employee will be expected to comply with any assistance or rehabilitation program prescribed by the substance abuse professional as a condition of his or her enrollment or employment, as applicable. In addition, the College may require an employee to sign and adhere to a Last Chance Assistance Agreement or similar agreement in the form provided by the College. Participation in any assistance or rehabilitation program will be held at the student's or employee's own expense.

#### Enforcement

- (1) Distribution: The College is committed to enforcing this Policy and to making sure that students and employees understand its contents and requirements. For this reason, the Policy will be published annually in the College's Student Handbook and will be made available to employees along with other personnel policies and procedures of the College.
- (2) Review: The College will review its drug and alcohol abuse program and the Policy biennially or as otherwise required by the acts to determine their effectiveness and implement any changes as needed, and to help ensure that the disciplinary sanctions described in this Policy are enforced consistently.
- (3) Other Applicable Laws: All applicable laws pertaining to alcohol consumption, including laws relating to the sale to, purchase by, or use by underage persons of alcohol, will be enforced on the College campus. Similarly, all applicable federal, state, and local drug laws will be enforced on the College campus. The College Campus Resource Officer(s) has full police authority to enforce these laws.

Reporting of and Response to Convictions: To the extent required by either of the Acts, the College will provide written notice, including an employee's position title, to the federal Department of Education or any other federal granting or contracting agency within ten days after receiving notice of the employee's conviction for violation of any criminal drug statute occurring in the workplace. Appropriate disciplinary sanctions will be taken against the employee within 30 days after receiving the notice of conviction.

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