

## **MEMORANDUM**

**TO:** All University Faculty, Staff, and Students

**FROM:** W. Randolph Woodson, Chancellor

**SUBJECT:** The Drug-Free Schools and Communities Act  
The Drug-Free Workplace Act

**DATE:** August 25, 2014

Illegal or abusive use of drugs or alcohol by university faculty, staff, or students can adversely affect the educational environment and interfere with maximum achievement of personal, social, and educational goals. Therefore, it is the policy of North Carolina State University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, possession and/or use of controlled substances or the unlawful possession, use or distribution of alcohol is prohibited on NC State's campus, in the workplace, or as part of any of the university's activities. The workplace and campus include all NC State premises where the activities of the university are conducted. The information below provides NC State's policies, as well as the applicable state and federal laws, on illegal drugs and alcohol, and is intended to assist you in gathering information about alcohol and other drugs and the problems and concerns associated with their use and abuse. In addition, the below information is to make you aware of the many resources available if you, a friend, or family member need help for a substance abuse problem. Furthermore, in compliance with the Drug-Free Schools and Communities Act and The Drug-Free Workplace Act, the university is providing you with this information as part of its annual notification designed to combat drug and alcohol abuse, and to promote the health and safety of our students and employees.

### **UNIVERSITY POLICIES**

NC State expects its students and employees to maintain an environment that is safe and healthy. The university shall take actions necessary, consistent with state and federal law and applicable university policies, to eliminate illegal drugs from the university community and promote responsible alcohol use. As part of NC State's awareness of possible drug and alcohol abuse in the university community, policies have been adopted on the use of alcohol and other drugs. NC State holds its students and employees responsible for the consequences of their decisions, and students or employees who violate these policies will be subject to sanctions by the university in accordance with procedural safeguards of the applicable student or employee disciplinary procedures.

#### **Policy on Illegal Drugs**

Pursuant to the direction of the Board of Governors, NC State's Board of Trustees adopted a Policy on Illegal Drugs. Every student and employee of the university is responsible for being familiar with and complying with the terms of this policy. Under the policy, students and employees at NC State are held responsible as citizens for knowing and complying with federal and North Carolina laws that make it a crime to possess, sell, deliver, or manufacture any illegal drug. Any member of the university community who violates these laws may be subject both to criminal prosecution and punishment by the Justice System and to disciplinary proceedings by the university. The penalties imposed by the university for students or employees found to have violated applicable law or university policies concerning illegal drugs 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 or discharge from employment. Copies of the full text of the policy are available in the office of your Dean, Department Head, Human Resources, Academic and Student Affairs, in the new employee and student orientation packet, and on the University's Policies, Regulations & Rules website at <http://policies.ncsu.edu/policy/pol-04-20-05>.

#### **Alcohol Policy**

NC State's Alcohol Policy establishes the university policy on the sale, use and consumption of alcoholic beverages on campus and at NC State-sponsored events, as well as University enforcement responses for violations of this policy. In its discussion of North Carolina alcohol laws, the policy notes that it is unlawful for any person less than twenty-one (21) years of age to purchase or possess any alcoholic beverage and further that it is against the law for anyone to sell or give any alcoholic beverage to a person under 21 or to aid or abet such person in selling, purchasing or possessing any alcoholic beverage. Any student or employee in violation of the drug and alcohol policy may be subject to disciplinary measures by the university. The Alcohol Policy can be found on the University's Policies, Regulations & Rules website at <http://policies.ncsu.edu/policy/pol-04-20-02>.

The university also has certain procedures and guidelines for serving alcohol at University-sponsored events. These procedures may be found at <http://policies.ncsu.edu/regulation/reg-04-20-01>. Alcohol served at events held at certain University facilities shall be provided in accordance with the procedures referenced above and consistent with the rules of those facilities.

## **DRUG-FREE WORKPLACE**

As a precondition for receiving any federally funded grants or contracts, NC State is required to certify that it is providing a drug-free workplace. Any employee reporting to work under the influence of alcohol or illegal drugs or using alcohol or illegal drugs on the job is subject to appropriate disciplinary action. In addition to the NC State's Policy on Illegal Drugs, the university is required to adhere to all federal policies. As a condition of employment any faculty, staff, or student must notify the university of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. It is extremely important that you comply with the policies on illegal drugs and alcohol, which have been implemented by the federal government and the university's governing bodies. Maintaining an alcohol and drug-free workplace will benefit us all.

## **HEALTH CONCERNS**

The use of illegal drugs and the misuse of alcohol or prescription drugs are potentially harmful to a person's health. Health risks of using illegal drugs and abusing alcohol include both physical and psychological effects. In particular, synthetically-produced drugs often have unpredictable emotional and physical side effects that constitute an extreme health hazard. Frequent use of alcohol and illegal drugs may lead to:

- psychological and/or physical dependence
- impaired learning ability, memory, ability to solve complex problems
- increased risk of sexually transmitted diseases (including AIDS)
- complications due to the combination of prescription medication and other drugs/alcohol
- death, coma or toxic reactions, especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions
- guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, excessive risk-taking, legal difficulties
- damage to brain, cardiovascular system, liver, etc.
- increased risk of cancer
- fetal Alcohol Syndrome, birth or genetic defects
- psychosis (hallucinations, loss of contact with reality, extreme changes in personality)
- other physiological, psychological or interpersonal problems

Members of the university community are encouraged to research the health effects of drugs and alcohol abuse through reputable scientific sources, such as the National Institute on Drug Abuse ([www.nida.nih.gov](http://www.nida.nih.gov)), the National Institute on Alcohol Abuse and Alcoholism ([www.niaaa.nih.gov](http://www.niaaa.nih.gov)), and the Centers for Disease Control ([www.cdc.gov](http://www.cdc.gov)). In addition, information about the health risks associated with drug abuse and the misuse of alcohol is available from the Student Health Center and the Department of Human Resources.

## **AVAILABLE SUBSTANCE ABUSE PROGRAMS**

Because of the considerable hazards involved in drug and alcohol use, administrative, medical, and psychiatric help for students and employees having alcohol or other drug problems are available on a confidential basis. The Student Health Center (including Student Health Services and Student Counseling Center) 919-515-2563, provides treatment, counseling, and referrals for students seeking help with substance abuse problems. The university's Faculty and Staff Assistance Program (FASAP), 866-467-0467, provides support, resources, information, and referrals for employees and their dependents. Persons who are experiencing problems with substance or alcohol abuse, either themselves or through their families, are encouraged to contact these resources within the university or use other resources such as family physicians, county mental health centers, and Alcoholics or Narcotics Anonymous. The university hopes that through our education and referral efforts we will be able to provide an effective means of dealing with the problem of substance abuse.

## **LAWS RELATED TO UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLEGAL DRUGS AND ALCOHOL**

The unlawful manufacture, distribution, disposition, possession, and/or use of a controlled substance or alcohol is regulated by a number of federal, state, and local laws. These laws impose legal sanctions for both misdemeanor and felony convictions. Criminal penalties for convictions can range from fines and probation to denial or revocation of federal benefits (such as financial aid) to imprisonment and forfeiture of personal and real property. A summary of North Carolina alcohol and drug laws is available below. The information provided below is illustrative, not exhaustive or a definitive statement of all applicable laws, but rather it indicates the types of conduct that are against the law and the range of legal sanctions that can be imposed for such conduct. More detailed and current information is available from University Police and the North Carolina General Statutes.

A further overview of federal laws governing the manufacture, possession, use and distribution of alcohol and illegal drugs is available at <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

## NC DRUG LAWS

Types of Drugs	Possession	Possession With Intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver	North Carolina Statute
<b>Schedule I:</b> Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP), and MDA	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	<b>Maximum Penalty:</b> Ten (10) years in prison and/or fine (felony)	§90-89
<b>Schedule II:</b> Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembutal, Cocaine, Amphetamines and other opium and opium extracts and narcotics	<b>Maximum Penalty:</b> Two (2) years in prison and/or \$2,000 fine (misdemeanor) – UNLESS- 1. Exceeds 4 tablets, capsules, other dosage units or equivalent quantity of Hydromorphone. 2. Exceeds 100 tablets, capsules, other dosage units or equivalent quantity. 3. One gram or more of Cocaine <b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	<b>Maximum Penalty:</b> Ten (10) years in prison and/or fine (felony)	§90-90
<b>Schedule III:</b> Certain barbiturates such as amobarbital and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #3, and codeine-based cough suppressants such as Tussionex and Hycomine, and all anabolic steroids	<b>Maximum Penalty:</b> Possession of less than 100 tablets, capsules, other dosage units or equivalent quantity: Two (2) years in prison and/or fine (misdemeanor)  To possess more than 100 tablets, capsules, other dosage units or equivalent quantity: Five (5) years in prison and/or fine (felony)	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	§90-91
<b>Schedule IV:</b> Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)	<b>Maximum Penalty:</b> Same as Schedule III	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	§90-92

<p><b>Schedule V:</b> Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as Terpine Hydrate with codeine, Robitussin AC</p>	<p><b>Maximum Penalty:</b> Six (6) months in prison and/or fine (misdemeanor)</p>	<p><b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)</p>	<p>§90-93</p>
<p><b>Schedule VI:</b> Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol</p>	<p><b>Maximum Penalty:</b> Possession of less than ½ ounce of Marijuana or 1/20 ounce Hashish: Thirty (30) days in prison and/or \$100 fine (misdemeanor)</p> <p>Possession of more than ½ ounce of Marijuana or 1/20 ounce Hashish: Two (2) years in prison and/or fine (misdemeanor)</p> <p>Possession of more than 1½ ounce of Marijuana or 3/20 ounce of Hashish or consists of any quantity of synthetic Tetrahydrocannabinols or Tetrahydrocannabinols isolated from the resin of marijuana: Five (5) years in prison and/or fine (felony)</p>	<p><b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)</p>	<p>§90-94</p>
<p>Drug Paraphernalia</p>	<p><b>Maximum Penalty:</b> One hundred twenty (120) days in prison and/or fine. (misdemeanor)</p>	<p><b>Maximum Penalty:</b> One hundred twenty (120) days in prison and/or fine. (misdemeanor)</p> <p>However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three years younger: One (1) year in prison and/or fine. (felony)</p> <p>It is unlawful for any person to purchase or otherwise procure an advertisement in any</p>	<p>§90-113.22- §90-113.24</p>

		newspaper, magazine, handbill, or other publication, or purchase or otherwise procure an advertisement on a billboard, sign, or other outdoor display, when he knows that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Sixty (60) days in prison and/or fine. (misdemeanor)	
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### NC ALCOHOL LAWS

State Law	Penalty	North Carolina Statute
To possess, attempt to purchase or purchase, sell or give beer, wine, liquor, or mixed beverages to anyone under the age of 21.	<b>Maximum Penalty:</b> Imprisonment for a term not exceeding two (2) years and/or fine (misdemeanor)	§18B-302-18B302.1
Aiding or abetting a person who is under 21 years of age to purchase or to attempt to purchase, possess, sell, or give alcohol to another.	<b>Maximum Penalty:</b> Imprisonment for not more than six (6) months and/or fine up to five hundred dollars (\$500) (misdemeanor)	§18B-302-18B302.1
A person over 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess; sell or give, alcohol to a person who is under 21 years of age	<b>Maximum Penalty:</b> Imprisonment for not more than two (2) years and/or fine up to two hundred dollars (\$200) (misdemeanor)	§18B-302-18B302.1
Operating a motor vehicle upon any highway, any street, or any public vehicular area within this State: while under the influence of an impairing substance; after having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more; or with any amount of a Schedule I controlled substance.	1 <sup>st</sup> Offense: Jail - 24 hours; Fine - \$200; License Suspension – 60 days to 1 year; 2d Offense: Jail – 4 days; Fine – varies; License Suspension – 1 to 4 years; 3d Offense: Jail – 14 days to 2 years; Fine – varies; License Suspension – 1 year to permanent	§20-138.1
Operating a motor vehicle on a highway or public vehicular area by a person less than 21 years old while consuming alcohol or at any time while he has remaining in his body any alcohol or controlled substance previously consumed.	Maximum of 20 days in jail and \$200.  If driving while impaired offense is also charged then: 1 <sup>st</sup> Offense: Jail - 24 hours; Fine - \$200; License Suspension – 60 days to 1 year; 2d Offense: Jail – 4 days; Fine – varies; License Suspension – 1 to 4 years;	§20-138.1 & 20-138.3

	3d Offense: Jail – 14 days to 2 years; Fine – varies; License Suspension – 1 year to permanent	
Possessing an alcoholic beverage other than in the unopened manufacturer's original container, or consume an alcoholic beverage, in the passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-way of a highway.	Maximum of 20 days in jail and \$200 for first offense. Maximum of 60 days in jail and \$1000 fine for subsequent offenses. If you are convicted of an impaired driving offense arising from this incident then impaired driving punishments apply.	§20-138.7