

POL 04.25.01

The University of North Carolina at Pembroke Drug and Alcohol Policy

Authority: Board of Trustees

History:

- First Issued: 1988
- Revised: August 21, 2012; December 14, 2012, April 12, 2019
- Last Revised: November 8, 2024

Related Policies:

- [Administrative Memorandum 259](#)
- [UNC Policy Manual 1300.1 - Illegal Drugs](#)

Additional References:

- [N.C. General Statute § 18B-302 - Sale To or Purchase By Underage Persons](#)
- [UNC Pembroke Biennial Reviews](#)
- [UNC Pembroke Drug and Alcohol Abuse Prevention Program \(DAAPP\)](#)
- [UNC Pembroke POL 04.05.03 - Tailgating Policy](#)
- [UNC Pembroke POL 03.00.02 - Alcohol Use at University Events Policy](#)
- **UNC Pembroke Student Handbook**
- [UNC Pembroke Fraternity and Sorority Life – Hazing Prevention](#)
- [UNC Pembroke Student Government Governing Documents](#)
- [UNC Pembroke Faculty Handbook](#)
- [UNC Pembroke EHRA Handbook](#)
- [UNC Pembroke POL 09.00.01 – Athletics Substance Education, Screening and Counseling Program](#)
- [State Human Resources Commission](#)
- [SHRA Employee Grievance and Appeal Policy](#)
- [Section 483 of the Federal Higher Education Amendments of 1998](#)
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- [UNC Policy Manual, *The Code*, Section 603 - Due Process Before Discharge or The Imposition of Serious Sanctions](#)
- [N.C. General Statutes § 90-87 thru 90-94 – Article 5, Controlled Substances Act](#)
- [N.C. General Statute § 14-35 - Hazing; Definition and Punishment](#)
- [UNC Pembroke REG 11.30.01 – Student Code of Conduct](#)
- [20 US Code § 1092 \(f\) - Institutional and Financial Assistance Information for Students](#)
- [U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Crime Reporting](#)
- [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#)
- [North Carolina Alcoholic Beverage Control Commission](#)

Contact Information: Office of Student Affairs, 910.521.6175

1. INTRODUCTION

1.1 This policy is adopted by the Board of Trustees of The University of North Carolina at Pembroke in conformity with the direction of the Board of Governors of The University of North Carolina. It is applicable to all students and employees. This policy is also intended to comply with the requirements of the Drug-Free Schools and Communities Act (DFSCA).

1.2 The University of North Carolina at Pembroke (hereafter the “university” or “UNCP”) is dedicated to providing a work, study, and recreational environment that does not include the use of illegal drugs, the misuse of prescription medications, the misuse of over-the-counter medications, or the underage/excessive use of alcohol. All students, employees, and guests are viewed by the university as individually responsible and legally accountable for their actions. The illegal possession, sale, distribution, or use of drugs, including alcohol, adversely affects the academic community. Toward that end, the university notifies in writing the parents of students under the age of 21 of such offenses.

1.3 In addition, students should be aware that the UNCP Student Code of Conduct extends to any student whose conduct on or off campus becomes unsatisfactory and is determined to have a detrimental impact on the mission of the university. Students whose behavior off campus requires the involvement of law enforcement or other authorities may be subject to appropriate judicial sanctions from the university. This behavior includes being intoxicated in public, displaying alcohol, driving under the influence, illegally possessing or using alcohol, or distributing alcohol to people under the legal age. Manufacturing, selling, distributing, using, or possessing narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other known drugs, and/or chemicals is included in this policy, as is manufacturing, buying, selling, distributing, using, or possessing any kind of drug paraphernalia or counterfeit drugs.

1.4 The university has developed drug education, prevention, and intervention programs. Members of the university community are encouraged to become familiar with the programs and are invited to take advantage of the services provided. Individuals who suspect they may have a drug or alcohol problem are encouraged to seek help through Counseling and Psychological Services or the Employee Assistance Program before the problem impacts their academic performance, work performance, or conduct.

1.5 The chancellor has designated Counseling and Psychological Services (CAPS) as the coordinating agency of drug education for students.

1.6 The Committee on Substance Use Prevention (CSUP) is a comprehensive and interdisciplinary team of campus professionals that provides informed guidance and advises the university community with coordinated drug-related education, prevention, and intervention services. CSUP defines itself as an advisory board for the prevention, intervention, and education policies and activities concerning the use and/or misuse of tobacco, alcohol, and other drugs. A staff member of Counseling and Psychological Services serves as chairperson of the CSUP. The CSUP is responsible for overseeing all changes related to this Drug and Alcohol Policy and for conducting a Biennial Review of the University’s Drug and Alcohol

Abuse Prevention Program (DAAPP) in compliance with the Drug-Free Schools and Communities Act (DFSCA).

2. INSTITUTIONAL POLICY ON DRUGS AND ALCOHOL

2.1 The University of North Carolina at Pembroke shall take all actions necessary and consistent with local, state, and federal law and applicable university policy, to eliminate illegal drugs from the university community. This university drug and alcohol policy is publicized in catalogs and other materials prepared for all enrolled and prospective students and in materials distributed to employees; this policy is published on the university website.

2.2 The illegal possession, sale, distribution, or use of drugs, including alcohol, will not be tolerated at the university. Violation will result in sanctions (see section three of this policy) which may include dismissal from employment and the termination of student status. The university may impose sanctions if it is proven by a preponderance of evidence that a violation has occurred. Students and employees are subject to federal, state, and local laws as well as university rules and regulations. Members of the university community are not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally.

2.3 Alcohol Possession and/or Consumption Regulations for UNCP Students and Employees

2.3.1 Students of legal age (i.e., 21 years or older) are permitted to possess and consume beer, unfortified wine, fortified wine, spirituous liquor, and mixed beverages only within the confines of their residence hall rooms or apartments.

2.3.2 Students of legal age (i.e., 21 years or older) are permitted to possess and consume alcohol, with proper identification and authorization (see the [UNCP Tailgating Policy](#)), while tailgating in designated areas or parking lots prior to UNCP football games.

2.3.3 Student possession and/or consumption of any alcoholic beverage is prohibited at any location except as indicated in section 2.3.1 and 2.3.2 of this policy.

2.3.4 Caffeinated Alcoholic Beverages (CABs; i.e., Four Loko, Moonshot, Joose), whether purchased or mixed by students, are prohibited on campus.

2.3.5 Student fees cannot be used to purchase alcohol.

2.3.6 It is against the law for anyone to sell or distribute any alcoholic beverage to a person under 21 years of age or to aid or abet such a person in selling, purchasing, distributing, or possessing any alcoholic beverage.

2.3.7 Kegs are not permitted on campus. Students are not to possess kegs, or any common source containers of alcohol such as “party balls,” or use any item such as bathtubs, trash cans, or similar containers to hold alcohol.

2.3.7.a. Kegs or any other rapid alcohol consumption paraphernalia brought onto campus will be seized as contraband by campus police and the contents destroyed.

2.3.7.b. Kegs may be retrieved with proof of ownership when the student is prepared to remove them from campus.

2.3.7.c. The chancellor of The University of North Carolina at Pembroke reserves the right to approve the use of alcoholic beverages (including kegs of beer) at special functions, provided appropriate permits are obtained from the [North Carolina Alcoholic Beverage Control Commission](#) and in accordance with [UNCP Policy 03.00.02](#).

2.3.8 Beer funnels or other alcohol paraphernalia used for rapid consumption are not permitted anywhere on campus.

2.3.9 Students are not allowed to construct or own a table used for the purpose of beer pong on campus.

2.3.10 Employees are not permitted to consume alcohol while working. Alcohol served at university sponsored events (e.g., holiday celebrations) is considered an exception; however, employees are encouraged to consult with their supervisors before consuming alcohol at such events; other sections of this policy (e.g., 2.3.12 – excessive/harmful use) still apply.

2.3.11 Employees are not permitted to report to work (i.e., physically on campus or for remote work hours) under the influence of alcohol. The N. C. General Statute § 20-4.01 (48b) defines under the influence of an impairing substance as the state of a person having his physical or mental faculties, or both, appreciably impaired by an impairing substance.

2.3.12 Students and employees may not engage in excessive and/or harmful use of alcohol on campus. For students, excessive and/or harmful use of alcohol is any misuse as determined on a case-by-case basis by the director of the Office of Student Conduct. For employees, excessive and/or harmful use of alcohol is any misuse as determined on a case-by-case basis by the Director of Employee Relations and Workforce Development. Examples of excessive and/or harmful use of alcohol include, but are not limited to:

2.3.12.a. use of alcohol which leads to medical consequences such as passing out, blackouts (loss of memory), gastritis (vomiting, retching), physical injuries, or other medical problems;

2.3.12.b. use of alcohol in association with inappropriate behavior;

2.3.12.c. a pattern of episodes of alcohol related violations of the Student Code of Conduct, Faculty Handbook, or State Human Resources Manual; and

2.3.12.d. a single episode of intoxication in which the director of the Office of Student Conduct believes that the level of alcohol consumption posed a risk to the student's health or well-being. Students who fall under this category of policy violation may be referred to the CARE Team if their behavior is deemed a safety risk (Section V, Administrative Policies of the Student Handbook).

2.3.13 Students should make themselves aware of the Social Host Liability Law detailed in section 3.4 of this drug and alcohol policy.

2.4 Illegal Drugs

2.4.1 Students and employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to manufacture, sell, distribute, use, or possess those drugs designated collectively as “controlled substances” in Article 5 of Chapter 90 of the North Carolina General Statutes.

2.4.2 The possession of illegal drugs and illegal drug usage on campus is prohibited. This includes the usage (including, but not limited to, consumption, injection, smoking/inhalation, etc.), manufacture, possession, or distribution of illegal drugs or significantly mind-altering substances, pharmaceutical and otherwise (including salvia divinorum, medical marijuana, and synthetic forms of banned substances, including, but not limited to, K2, Spice, Black Magic, etc.); inappropriate/illegal use or distribution of any pharmaceutical product; being in the presence of others while the above mentioned drug use is occurring; or possession of drug paraphernalia, including bongs.

2.5 Improper Use and Misuse of Legal Drugs

2.5.1 The misuse of legal medications can lead to serious health complications for the user. Misuse of medications can lead an individual to exhibit behavior which is dangerous to themselves and others. The university strongly supports efforts of individuals to change maladaptive behavior and offers services through Counseling and Psychological Services, Student Health Services, and the Employee Assistance Program. Intentional misuse and disruptive behavior may result in disciplinary action.

2.5.2 Prescription and Over-the-Counter Medications (OTCs)

2.5.2.a. Students and employees are prohibited from using prescription medications not prescribed to them by a medical professional.

2.5.2.b. Students and employees are prohibited from distributing prescription medications prescribed to them to others; this includes giving or selling medications.

2.5.2.c. Students and employees who have prescription medications are responsible for taking those medications as they were prescribed to them. Prescriptions must have the correct name printed on the container and must be current.

2.5.2.d. Students and employees are responsible for taking over-the-counter medications as indicated on the package. Using OTCs in ways and in amounts outside of their intended use is a violation of this policy.

2.6 Tobacco

2.6.1 Students and employees are responsible for reviewing and adhering to the [University Smoking Policy \(POL 04.25.06\)](#).

2.7 Hazing

2.7.1 The [N. C. General Statute § 14-35](#) defines hazing as follows: “to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group.”

2.7.2 Any form of hazing is prohibited both on and off campus. Hazing violations that involve drugs and/or alcohol constitute a violation of this drug and alcohol policy as well and will be subject to sanctioning.

3. ENFORCEMENT AND PENALTIES

3.1 Students, faculty, and staff are responsible, as members of the university community, for knowing about and complying with UNCP’s Institutional Policy on Drugs and Alcohol as well as North Carolina law regulating the use of alcohol and drugs.

3.2 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, distribute, 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 will initiate its own disciplinary proceeding against a student, faculty member, or staff member who the alleged conduct is deemed to affect the interest of the university.

3.3 Guests on UNCP’s campus found in violation of this drug and alcohol policy shall be required to leave campus and could face additional sanctions, including arrest and criminal charges. Students who have guests on campus are responsible for their guests at all times and will be held accountable for their guest’s actions.

3.4 Social Host Liability Law

3.4.1 In addition to the substantial criminal penalties for furnishing alcohol to an underage person (see section 3.6.2.c) or helping an underage person obtain alcohol, individuals and student groups serving alcohol to friends or guests should be aware that if:

3.4.1.a. a person serves an alcoholic beverage to someone whom the server knew, or should have known, was under the influence of alcohol; and

3.4.1.b. the server knew that person would shortly thereafter drive an automobile, a jury could conclude some injury could result from the negligent conduct.

3.4.2 This means that, if someone is injured by a drunk driver and sues the person(s) who served the driver alcohol, a jury might find that the server(s) were partly responsible for the injuries and order the server(s) to pay substantial damages to the injured person or his/her estate. Significant personal consequences could result to the host or provider of the alcohol. The above information is not intended as legal advice. If uncertain about this issue, contact a private attorney.

3.5 Policy Implementation and Reporting

3.5.1 All drug and alcohol violations on the UNCP campus are reported via the [Crime Awareness and Campus Security Act \[20 US Code 1092 \(f\)\]](#) (CACSA), required by the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#). The report is compiled in accordance with the guidelines set forth in the [U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Crime Reporting](#), Washington, DC, 2005, and is completed by Campus Policy. UNCP Student Handbook.

3.6 Sanctions for Student Misconduct

3.6.1 Process for Imposition of Penalties

3.6.1.a. Students are subject to all local, state, and federal laws relating to drug use and possession. Action on the part of the university is based upon its right to carry out its appropriate mission and is not designed to be merely punitive. University action is not dependent upon and does not preclude criminal or civil action in the courts.

3.6.1.b. Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students as required by Section 603 of The Code.

3.6.1.c. Sanctioning for violations of this drug and alcohol policy will reflect UNCP's commitment to reducing underage and high-risk substance use, misuse, and abuse as well as to adherence to [N.C. General Statute § 18B-302](#). As such, all sanctions will be enforced on a case-by-case basis via the student conduct process.

3.6.2. Minimum Sanctions for Students

3.6.2.a. The Drug and Alcohol Abuse Prevention Program contains minimum sanctions for students in violation of the Drug and Alcohol Policy, including the following offenses: alcohol possession/use, alcohol sale/distribution, drug possession/use, and drug sale/distribution.

3.6.2.b. These sanctions are issued and enforced by the Office of Student Conduct. Sanctions that are not completed will result in a transcript hold as well as other possibly elevated consequences to encourage sanction completion.

3.6.2.c. Reference the DAAPP for specific template sanctions for violations.

3.7 Sanctions for Employee Misconduct

3.7.1 The illegal possession, sale, or use of drugs, including alcohol, will not be tolerated at the university. Violation will result in sanctions which may include dismissal from employment and the termination of student status if applicable. The university may impose sanctions if it is proven by a preponderance of evidence that a violation has occurred. UNCP employees are subject to federal, state, and local laws as well as university rules and regulations. Members of the university community are not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. Although the university reserves the right to impose more severe sanctions for any violation of this drug and alcohol policy as circumstances may

warrant, the minimum penalties that may be imposed for particular offenses are set out herein below.

3.7.2 Process for Imposition of Penalties

3.7.2.a. UNCP Employees are subject to all local, state, and federal laws relating to drug use and possession. Action on the part of the university is based upon its right to carry out its appropriate mission and is not designed to be merely punitive. University action is not dependent upon and does not preclude criminal or civil action in the courts.

3.7.2.b. Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against employees, as required by Section 502 D (3) and Section 603 of The Code; by the Board of Governors policies applicable to other employees exempt from the State Human Resources Act; and by regulations of the State Human Resources Commission. Faculty should refer to UNC System Policy 100.1 and the Faculty Handbook. SHRA employees should refer to the State Human Resources Manual, "Discipline, Appeals and Grievances," EHRA Exempt Professional Staff (EPS, formerly EHRA Non-Teaching employees) and EHRA faculty should refer to the UNCP Office of Human Resources, relevant sections of the UNC Policy Manual, and/or the UNCP Faculty Handbook, Section II, Faculty Policies.

3.7.3 Possession, Consumption, and/or Distribution of Alcohol

3.7.3.a. Any employee reporting to work (i.e., physically on campus or for remote work hours) under the influence of alcohol or using alcohol while working may be suspended or dismissed without warning. University sanctioned events where alcohol is served are exempt from this rule; however, employees should consult with their supervisors and must still abide by section 2.3.12 of this policy regarding excessive/harmful use.

3.7.3.b. It is against the law for anyone to sell or give any alcoholic beverage to a person under 21 years of age or to aid or abet such a person in selling, purchasing, distributing, or possessing any alcohol. Any person under 21 years old who aids or abets an underage person in violating this law may be fined \$500, imprisoned for 6 months, or both. Any person 21 years or older who aids or abets an underage person to violate this law may be fined \$2000, imprisoned for 2 years, or both (General Statute 18B-302). It is the policy of the university to cooperate with local law enforcement who may be investigating incidents where violations of this law have been committed on and off campus.

3.7.3.c. Penalties for employees who violate any applicable laws or university policies regarding illegal possession or use of alcohol or provision of alcohol to persons under 21 years of age will be determined on a case-by-case basis and will cover the entire range of penalties available to the university as an employer, including but not limited to suspension and discharge from employment.

3.7.4 Possession and/or Consumption of Illegal Drugs and/or Paraphernalia

3.7.4.a. In addition to disciplinary action by the university, violation of the university's drug-free policy may be cause for criminal prosecution by government or law enforcement agencies.

3.7.4.b. For a first offense involving the illegal possession or use of any controlled substance identified in [Schedule I, N.C. General Statute § 90-89](#), or [Schedule II, N.C. General Statute § 90-90](#), (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), the minimum penalty shall be suspension from employment and enrollment, if applicable, for a period of at least one semester or its equivalent. Employees subject to the State Human Resources Act are governed by regulations of the State Human Resources Commission. Minimum penalties for this offense exceed the maximum period of suspension without pay that is permitted by the State Human Resources Commission regulations, so the penalty for a first offense for employees subject to the State Human Resources Act is discharge from employment.

3.7.4.c. Penalties for employees who violate any applicable laws or university policies regarding illegal possession or use 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, Rohypnol, phenobarbital, codeine) and/or the possession of drug paraphernalia will be determined on a case-by-case basis and will cover the entire range of penalties available to the university as an employer, including but not limited to, probation, suspension, and discharge from employment. If an unexpired balance of the prescribed period of probation for an employee subject to the State Human Resources Act exceeds the maximum period of suspension without pay permitted by the State Human Resources Commission regulations, that employee shall be discharged.

3.7.5 Trafficking in Illegal Drugs

3.7.5.a. For the illegal manufacture, sale, distribution, or possession with intent to manufacture, sell, or distribute, 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 employee shall be terminated from employment and enrollment, if applicable.

3.7.5.b. For a first offense involving the illegal manufacture, sale, distribution, or possession with intent to manufacture, sell, or distribute any controlled substance identified in Schedules III through VI, N.C. General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, Rohypnol, phenobarbital, codeine), the minimum penalty shall be suspension from employment and enrollment, if applicable, for a period of at least one semester or its equivalent. Employees subject to the State Human Resources Act are governed by regulations of the State Human Resources Commission. Minimum penalties for this first offense exceed the maximum period of suspension without pay that is permitted by the State Human Resources Commission regulations; so, the penalty for a first offense for employees subject to the State Human Resources Act is discharge from employment.

3.7.5.c. For a second offense involving the illegal manufacture, sale, distribution, or possession with intent to manufacture, sell, or distribute any controlled substance identified in Schedules III through VI, N.C. General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, Rohypnol, phenobarbital, codeine), any employee shall be terminated from employment and enrollment, if applicable.

3.7.6 Suspension Pending Final Disposition

3.7.6.a. An employee charged with a violation of this policy may be suspended from employment, and enrollment if applicable, 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 would constitute a clear and immediate danger to the health or welfare of any member of the university community. When a suspension is imposed, an appropriate hearing of the charges against the person suspended shall be held as promptly as possible.