

# Drugs and Alcohol

Policy 106

## 1 Purpose

North Carolina and federal laws restrict and prohibit the use of alcohol and other drugs in various contexts. The illegal or abusive use of alcohol and other drugs is not compatible with personal health and welfare and the pursuit of academic excellence, and will not be tolerated by Appalachian State University on the campus or as part of any institutional activities.

## 2 Scope

This policy applies to all faculty, staff and students of Appalachian State University.

## 3 Definitions

### 3.1 Alcoholic Beverage

any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

### 3.2 Illicit Drugs

consists of cultivation, manufacture, distribution and sale of those substances which are subject to drug prohibition laws.

## 4 Policy and Procedure Statements

### 4.1 Education and Counseling

Appalachian State University shall make alcohol and drug abuse education and counseling services available to all members of the academic community. These services shall include:

1. Educating the campus community about the health and safety hazards associated with alcohol and drug abuse and the incompatibility of alcohol and drug abuse with achievement of personal and educational goals.
2. Encouraging members of the campus community to make use of available campus and community counseling, and medical and rehabilitation resources in dealing with drug abuse problems. Appalachian State University assures persons who voluntarily avail themselves of these services that applicable professional standards of confidentiality will be observed.
3. Informing the campus community of the potential legal and educational consequences (including both criminal law and University discipline) of abuse or illegal use and/or distribution of alcohol and drugs.
4. Distributing annually to all members of the University community copies of Appalachian State University's Drug Policy Statement that addresses penalties, prevention, counseling and rehabilitation. Copies of the statement will also be distributed to all new employees upon employment.

### 4.2 Conduct Prohibited by the University

1. **Prohibited Conduct** - All, students and employees are responsible for abiding by federal, state and foreign laws. Any member of the University community who violates pertinent state, federal or foreign laws or University policy regarding these subjects may be disciplined.
2. The Drug-Free Workplace Act of 1988 and related regulations (34 CFR 85.600 et seq .) require that any employee who is convicted of any criminal drug statute violation occurring within the University community must notify the appropriate supervisor or management person no later than five (5) calendar days after such conviction. Any employee who fails to provide notification shall be subject to disciplinary action up to and including dismissal. Disciplinary action against any employee convicted of a drug offense within the University community must commence within 30 days after receipt of notice of the conviction. The University may, at any time initiate its own disciplinary proceedings against a student, faculty member, administrator or other employee when the alleged conduct (either on-campus or off-campus) is deemed to affect the interests of the University.
3. Penalties will be imposed for violation of the policies of Appalachian State University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators and other employees, respectively.

1. Faculty members who violate the University's policy on the illegal or abusive use of alcohol and other drugs will be subject to disciplinary action in accordance with personnel policies outlined in the Appalachian State University Faculty Handbook.
2. EHRA administrative personnel who violate the University's policy on the illegal or abusive use of alcohol and other drugs will be subject to disciplinary action in accordance with personnel policies outlined in the Appalachian State University EHRA Administrative Personnel Handbook.
3. Staff employees who violate the University's policy on the illegal or abusive use of alcohol and other drugs will be subject to disciplinary action described in Policy 602.3 Employee Abuse of Alcohol and Other Drugs.
4. Students who violate the University's policy on the illegal or abusive use of alcohol and other drugs will be subject to disciplinary action in accordance with the provisions stated in the Appalachian State University Code of Student Conduct.

## 4.3 Legal Sanctions

1. The illegal or abusive use of drugs and alcohol by members of the academic community may subject them to criminal prosecution by governmental agencies in addition to disciplinary action by the University. Status as a student or employee of the University in no way insulates an individual from criminal prosecution and punishment. The constitutional concept of "double jeopardy" does not prevent state and/or federal prosecution and University punishment for conduct that violates state, federal or foreign law and University policy.
2. **Alcohol** - Local laws and ordinances and University regulations are preempted by state laws regarding regulation of alcoholic beverages.
3. **Drugs** - Local laws and ordinances and University regulations are preempted by state laws regarding regulation of drugs.

## 4.4 University Sanctions

### 4.4.1 Alcohol

The possession and use of alcohol on the campus of Appalachian State University must comply with the laws of the State of North Carolina and with campus regulations and procedures. The acquisition, possession, transportation and consumption of alcohol by anyone under 21 years of age is prohibited.

Alcohol may be possessed or consumed on University property only by persons 21 years of age or older in their rooms or in appropriately licensed and/or approved campus facilities. Persons are expected to assume responsibility for their own behavior while drinking and must understand that being under the influence of alcohol in no way lessens their accountability to the University community. Offenders will be dealt with through established University policies and procedures.

### 4.4.2 Trafficking in Illegal Drugs

The following minimum penalties shall be imposed for the particular offenses described:

1. For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any drugs identified in North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act) or similar relevant provisions of federal or foreign law, any student may be suspended and any faculty member, administrator or other employee may be discharged.
2. For a second offense, any student may be expelled and any faculty member or EHRA administrative employee shall be discharged.

### 4.4.3 Illegal Possession of Drugs

1. For a first offense involving the illegal possession of any drug identified in North Carolina General Statutes, Chapter 90, Article 5 (North Carolina Controlled Substances Act), or similar relevant provisions of federal or foreign law, 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.
2. For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including suspension of students and discharge of faculty members, administrators or other employees.

## 4.5 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 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.

## 4.6 Reporting

1. Annually, the Chancellor will submit to the Board of Trustees a report that will include information about drug education/prevention programs and incidents related to the illegal or abusive use of drugs during the preceding year, an assessment of the effectiveness of the program, and any policy changes. A copy of the report shall be provided to the President, who shall confer with the Chancellor about the effectiveness of the campus programs.
2. The Chancellor will, in accordance with the requirements of the Drug-Free Workplace Act of 1988, notify federal granting or contract agencies within 10 days after receiving notice that an employee directly engaged in the grant or contracting work has been convicted of a drug offense in the University community.

## 5 Additional References

## 6 Authority

[North Carolina General Statutes 18B-102](#)

## 7 Contact Information

University Police Department | 828-262-2150 | [Appalachian Police Department](#)  
Student Conduct | 828-262-2704 | [Student Conduct](#)

## 8 Original Effective Date

## 9 Revision Dates

December 1, 2021