

Policy on Illegal Drugs

I. Purpose

The North Carolina School of the Arts is a residential educational community dedicated to the artistic, personal, and intellectual growth of students interested in training for careers in the performing arts. The Board of Trustees is committed to the maintenance and protection of a drug-free workplace in which students and faculty members may responsibly pursue these goals. It is the obligation of all members of the school community (students, faculty, administrators and other employees) to help maintain a drug-free workplace where academic and artistic freedom flourish and in which the rights of each member of the community are respected. Illegal drugs in American society present a threat to the health and safety of members of the school community and endanger the attainment of its goals. This policy seeks to address the problem of illegal drugs by eliciting the cooperative efforts of all members of the school community.

II. Program Coordination

The Vice Chancellor for Arts & Academic Programs shall be responsible for coordinating and supervising the various elements of the Drug Abuse Prevention and Education Program including all educational activities and recordkeeping.

III. Education, Counseling, Rehabilitation

The school's drug prevention program will emphasize education and rehabilitation. Specifically, these techniques will include information concerning the incompatibility of the use or sale of illegal drugs with the goal of the school; legal consequences of involvement with illegal drugs; medical implications of the use of illegal drugs; and ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

A. Students

In consultation with the Vice Chancellor for Arts & Academic Programs, the Vice Chancellor of Student Life will be responsible for developing the primary education methods designed specifically to prevent substance abuse problems, including the following:

1. Statements in the Campus Life Handbook
2. Drug information sessions during the academic year
3. Distribution of drug information literature by Student Health Services and the counselors
4. Special mini-lectures and discussions by residence hall groups and the counselors
5. Annual training program for Residence Life staff and resident assistants, and others that could profit from such training
6. Referral to drug counseling services in the Winston-Salem community (for example, Step One)

B. Employees

1. No later than September 1, 1988, this policy will be distributed to all faculty and staff along with a letter which will communicate the incompatibility of the use or sale of illegal drugs with the goals of the school, the legal consequences of involvement with illegal drugs, the medical implications of the use of illegal drugs, and the ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities. The letter will be reissued at least once a year.
2. A pamphlet designed to educate the campus about the health hazards associated with drug abuse will be distributed at least once a year to all employees.
3. Supervisors will be encouraged prior to September 1, 1988, and at least once a year thereafter to remind faculty and staff of the school's program. The Office of Human Resources will remind supervisors of their responsibilities toward SPA employees; the Vice Chancellor for Arts & Academic Programs will remind deans and other supervisors of their responsibilities toward faculty and other EPA employees.

C. Referrals

The community mechanisms mentioned above will include information regarding community counseling, medical and rehabilitation resources dealing with substance abuse, and information on health insurance benefits associated with substance abuse. Because most supervisors do not have the professional qualifications to judge whether an employee or student has a drug problem, special training and information will be provided that will enable them to be alert, in an informed way, to substance abuse at an early stage of development. Through the referral mechanisms noted, an employee or student with a possible substance abuse problem will be encouraged to seek confidential diagnosis and treatment. The seeking of help in such matters should not, in and of itself, interfere with enrollment or job status or promotional opportunities. Persons who voluntarily seek counseling shall be assured that applicable professional standards of confidentiality will be observed.

IV. Enforcement and Penalties

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 school community who violates that law is subject to both prosecution and punishment by the civil authorities and to disciplinary proceedings by the school. It is not “double jeopardy” for both the civil authorities and the school to proceed against and punish a person for the same specified conduct. The school will 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 school.

Penalties will be imposed by the school in accordance with procedural safeguards applicable to disciplinary actions against students as specified in the Campus Life Handbook; faculty members as specified in Section 10 of “Regulations on Academic Freedom, Appointment, Promotions, and Discharge”; and “covered employees” as specified in Section III-D of “Employment Policies for University Employees Exempt from the State Personnel Act”. Other employees subject to the State Personnel Act will be subject to disciplinary proceedings and procedural safeguards according to regulations of the State Personnel Commission. (Where this policy is in conflict with regulations of the State Personnel Commission for SPA employees, the policies of the commission supersede.)

The penalties to be imposed by the school may range from written warnings with probationary status to expulsion from enrollment and discharge from employment. However, the following minimum penalties shall be imposed within 30 days of the notification of any criminal drug statute conviction for the particular offenses described. Compliance with the drug policy is a condition of employment. Anyone working under a federal grant must report within 5 days any conviction.

A. Trafficking in Illegal Drugs

1. 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.G.S. 90-89, or Schedule II, N.C.G.S. 90-90 (including but not limited to heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualine), any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.
2. For a first offense involving 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.G.S. 90-91 through 90-94 (including but not limited to marijuana, pentobarbital, codeine), the minimum penalty shall be suspension from employment or enrollment for a period of at least one term or its equivalent. For a second offense, any faculty member, administrator, or other employee shall be discharged and any student shall be expelled.

B. Illegal Possession of Drugs

1. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N.C.G.S. 90-89, or Schedule II, N.C.G.S. 90-90, the minimum penalty shall be

suspension from employment or enrollment for a period of at least one term or its equivalent, consistent with the University of North Carolina Policy on Illegal Drugs.

2. For a first offense involving illegal possession of any controlled substance identified in Schedules III through VI, N.C.G.S. 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 his 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.

3. For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators, or other employees.

4. After completing the prescribed period of suspension from enrollment or from employment under sections 4 (a)2 and 4 (b)1, students, faculty, or other employees who return to enrollment or employment will be subject to probation. All such probationary terms will include drug education and counseling, at a minimum, and may include such other conditions and restrictions as the Chancellor or his designee deems appropriate, including community service.

C. Suspension Pending Final Disposition

When a student, faculty member, administrator or other employee has been charged by the school 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 his designee concludes that the person's continued presence within the school community would constitute a clear and immediate danger to the health or welfare of other members of the school 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.

V. Implementation and Reporting

Annually, the Chancellor shall submit to the Board of Trustees a report on campus activities related to illegal drugs for the preceding year. The report shall include 1) a list of the major education activities conducted during the year, 2) a report on any illegal drug-related incidents, including any sanctions imposed, 3) an assessment by the Chancellor of the effectiveness of the campus program, and 4) any proposed changes in the policy on illegal drugs.

VI. Effective Date

This policy, as amended, was adopted by the North Carolina School of the Arts Board of Trustees at its April 10, 1990 meeting.