

# Illegal Drugs and Substance Abuse - Interim

Version 1

 Print

Policy	REG05.20.10
Title	Illegal Drugs and Substance Abuse
Category	Campus Environment
Sub-category	Health, Safety and Welfare
Authority	Chancellor
History	Adopted July 15, 1988; Amended October 1990; Revised August 29, 2019
Contact	Vice Chancellor for Student Affairs, (252) 328-6541, Human Resources, Employee Relations, (252) 328-9848; ; Assistant Vice Chancellor for Personnel and Resource Administration, (252) 328-2587; Associate Vice Chancellor for Health Sciences Human Resources, (252) 744-1910; Center for Counseling and Student Development, (252) 328-6661

**Related Policies**

- UNC Policy Manual 1300.1  
(<https://www.northcarolina.edu/apps/policy/index.php>)
- University Alcohol Policy (<https://policy.ecu.edu/07/30/04>)
- University General Records Management Regulation (<https://policy.ecu.edu/01/15/09>)
- Student Conduct Process Regulation (<https://policy.ecu.edu/11/30/01>)
- ECU Faculty Manual (<https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/manual.pdf>) Part XI, Section V(l) Substance Abuse Policy
- Mediation and Grievance Procedure for SHRA Employees (<https://policy.ecu.edu/06/35/02>)
- Athletics Drug Education Screening, Counseling, and Testing Program Regulation (<https://policy.ecu.edu/09/35/02>)
- Tobacco and Vaping Use on Campus (<https://policy.ecu.edu/05/20/09>)
- Employment-Related Background Checks and Criminal Activity Reporting
- Office of State Human Resources - Drug and Alcohol Free Workplace Policy (<https://oshr.nc.gov/documents/drug-and-alcohol-free-workplace>)
- N.C. Gen Stat. § 90-86 et. seq. (North Carolina Controlled Substances Act) ([https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_90/Article\\_5.html](https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_5.html))
- Drug-Free Workplace Act of 1988
- Drug Free Schools and Communities Amendments of 1989 (<https://www.congress.gov/bill/101st-congress/house-bill/3614>)  
(<https://www.northcarolina.edu/apps/policy/index.php>)

**Additional References**

## 1. Introduction

East Carolina University (ECU or the University) is dedicated to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end.

The highest standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal or abusive use of drugs or alcohol, referred to in this policy as substance abuse, by members of the university community adversely affects the mission of the university and is prohibited. For example, pursuant to other applicable university policies and regulations, students accused of felony drug violations may lose their right to remain in campus residence halls, and employees with certain job functions may be subject to reasonable suspicion drug and alcohol testing.

Accordingly, the East Carolina University Board of Trustees adopts the following policy, consistent with The UNC Board of Governors' Policy on Illegal Drugs. The policy is intended to accomplish the following:

- 1.1 prevent substance abuse through a strong educational effort;
- 1.2 encourage and facilitate the use of counseling services and rehabilitation programs by those members of

the academic community who require their assistance in stopping substance abuse; and

1.3 discipline appropriately those members of the academic community who engage in illegal drug or alcohol related behaviors.

## **2. Educational Efforts to Prevent Substance Abuse**

In keeping with its primary mission of education, East Carolina University will conduct an educational program aimed at preventing substance abuse and illegal drug or alcohol use.

Educational efforts shall be directed toward all members of the academic community and will include:

2.1 information about the incompatibility of the use or sale of illegal substances with the goals of East Carolina University;

2.2 the health hazards associated with illegal drug or alcohol use;

2.3 the incompatibility of substance abuse with the maximum achievement of educational, career, and other personal goals;

2.4 the medical implications and health risks associated with illegal drug use and substance abuse; and

2.5 the potential legal consequences of involvement with illegal drugs or alcohol.

## **3. Counseling and Rehabilitation Services to Prevent Substance Abuse**

Those faculty, staff, or students who seek assistance with a substance abuse related problem shall be provided with information about drug counseling and rehabilitation services available through East Carolina University and community organizations. Those who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

3.1 Student Alcohol and Drug Treatment. For students who may experience an alcohol or substance abuse problem while enrolled at the University, a substance abuse counseling program is available. Students may call the Center for Counseling and Student Development at (252) 328-6661 for services and referrals.

3.2 Employee Alcohol and Drug Treatment. For employees who may experience an alcohol or substance abuse problem while employed at the University, the University's Employee Assistance Program (EAP) is available. Employees may call the Department of Human Resources, Employee Relations Unit, at (252) 328-9848 or the Benefits Unit at (252) 328-9887 for more information regarding the EAP.

## **4. Enforcement and Penalties Related to Unlawful Drug Possession and Use or Distribution of Illegal Drugs and/or Alcohol**

4.1 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 university community who violates that law is subject both to prosecution and punishment by judicial or local authorities and to disciplinary proceedings by the university.

4.1.1 It is not "double jeopardy" for both the civil authorities and the University to proceed against and discipline a person for the same specified conduct. The university will initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the university.

4.2 Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by applicable ECU policy.

4.3 Penalties to be imposed by the University 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 and discharge from employment. The University may also refer matters to law enforcement for prosecution.

4.3.1 For second or other subsequent offenses involving illegal drugs or alcohol, progressively more severe penalties shall be imposed.

4.3.2 When considering appropriate sanctions for students found responsible for an offense involving illegal drugs or alcohol, the university will sanction consistent with, and through the procedures outlined in, the Student Code of Conduct, which is referenced in the related policies section, above.

4.3.3 When considering appropriate disciplinary action for employees found responsible for a violation of this policy, the university will consider the relationship between the offense and the employee's position and job performance, including assessment of the nature and gravity of the offense or conduct, the time that has passed since the offense or conduction and the nature of the job held. The penalties to be imposed by the university may range from written warnings with probationary status to discharge (or other separation) from employment.

4.4 A student, faculty member, administrator or other employee found to have violated applicable law or university policies concerning illegal drugs or substance abuse may be required 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 such conditions and restrictions may result in additional disciplinary action, up to and including expulsion from enrollment and discharge (or other separation) from employment.

4.5 Suspension. When a student, faculty member, administrator, or other employee has been charged by the university with a violation of policies concerning illegal drugs or alcohol, in accordance with the Student Code of Conduct or the policies/regulations that apply to that particular employee, he or she may be suspended from enrollment or removed from work 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

4.5.1 If such a suspension or removal from work is imposed on an employee, it is with full pay until the time of an appropriate opportunity to be heard on the alleged charges against the suspended person, which shall be held as promptly as possible thereafter.

4.6 Notification by Employees. In the case of employees, anyone convicted of a criminal drug statute violation shall notify the university no later than five (5) business days after such conviction. The university should commence with appropriate disciplinary action proceedings against such an individual within thirty business (30) days of notice of conviction.

4.6.1 Failure to notify the university by employees may result in disciplinary action upon discovery by the university of said conviction.

## 5. Responsibilities Under This Policy

5.1 All employees and students shall be responsible for abiding by the provisions of this policy. In the case of employees, adherence with the provisions of the policy shall be a condition of employment. Students and Employees are encouraged to report suspected substance abuse to ECU Cares at (252) 737-5555.

5.2 Pursuant to the authority vested by the chancellor, the Assistant Direct for Counseling - Licensed Clinical Addiction Specialist (Coordinator) is responsible for overseeing all educational programs relating to this policy. The chancellor will render an annual report to the Board of Trustees on the effectiveness of this policy.

5.3 As required by the Drug-Free Workplace Act of 1988, the Drug Free Schools and Communities Act Amendments of 1989 and applicable UNC System policy, the Coordinator will conduct a biennial review of the

effectiveness of its educational programs regarding illegal drugs and the consistency of sanction enforcement, and maintain the results of these reviews.

## 6. Dissemination of This Policy

A copy of this policy shall be distributed annually to each student and employee and to all new employees at the beginning of their employment or new students at the time start of their first academic semester enrolled at ECU. The policy shall be printed in the university catalogues and other materials prepared for all enrolled and prospective students and materials distributed to faculty and staff.

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## East Carolina University

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