



**Drug-Free Schools and Campuses Regulations
[Edgar Part 86] of the
Drug-Free Schools and Communities Act (DFSCA)**

Drug and Alcohol Abuse Prevention Program (DAAPP)



East Carolina University's Certificate of Review of the Drug and Alcohol Abuse
Prevention Program (DAAPP)

Upon the recommendation of the Vice Chancellor for Student Affairs, I hereby certify
that I have reviewed and approve of the Drug and Alcohol Prevention Program.

Dr. Philip Rogers

Chancellor

A handwritten signature in dark ink, appearing to read "P. Rogers", is written over a horizontal line.

Signature

9-12-23

Date

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A. Overview/Introduction

The Drug-Free Schools and Communities Act of 1989 requires educational institutions to notify students and employees of resources and programming pertaining to drug and alcohol use. This method of notification is called the Drug and Alcohol Abuse Prevention Program (DAAPP). The DAAPP includes information pertaining to student and employee notification, prevention efforts, programming, policies, and potential sanctions related to alcohol and other drugs. The following University offices were represented in the initial planning of the ECU DAAPP: Center for Counseling and Student Development, Clery Coordinator, College of Nursing, Dean of Students Office, Faculty Senate, Graduate School, Human Resources, Information Technology and Computing Services, Office of Student Rights and Responsibilities, ECU Police Department, Staff Senate, University Counsel, and Vice Chancellor for Student Affairs.

B. Annual Notification

The following notice is sent via email to all current ECU students with an active students@ecu.edu email account. Emails are sent in September of each calendar year and to all newly enrolled students at the beginning of the spring semester, typically in January after the Drop/Add period for registration. Below is the language within the notification:

“Drug Free Schools and Campuses Act of 1989: Federal law requires that institutions of higher education provide students and employees with a copy of the written policies and law related to drugs and alcohol.

East Carolina University clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as a part of any of its activities.

To obtain information on applicable laws, the health risks associated with drug and alcohol use, available resources, and University Substance Use Policies for students and/or employees, please use the listed links below. If you would like to review a complete copy of the Drug and Alcohol Abuse Prevention Program, visit <https://studentaffairs.ecu.edu/daapp>.

Quick Links for DAAPP components and resources:

University Polices:

Tobacco and Vaping Use on Campus

[https://policy.ecu.edu/05/20/09#:~:text=\(%22HSC%22\)%3A,2.1.,or%20occupied%20by%20the%20HSC](https://policy.ecu.edu/05/20/09#:~:text=(%22HSC%22)%3A,2.1.,or%20occupied%20by%20the%20HSC).

Illegal Drugs and Substance Abuse

<https://policy.ecu.edu/05/20/10>

Possession, Consumption and Sale of Alcoholic Beverages

<https://policy.ecu.edu/01/15/11>

University Alcohol Policy

<https://policy.ecu.edu/07/30/04>

Athletics Drug Education Screening, Counseling, and Testing Program

<https://policy.ecu.edu/09/35/02>

University Good Samaritan Regulation (GSR)

<https://policy.ecu.edu/11/30/02>

ECU Student Conduct Process

<https://policy.ecu.edu/11/30/01/>

Campus Living Housing Contract

<https://housing.ecu.edu/wp-content/pv-uploads/sites/49/2018/03/2023-2024-Campus-Living-Contract-.pdf>

Student Admissions Safety Review:

<https://policy.ecu.edu/11/30/03>

Federal and State Drug and Alcohol Laws:

https://www.ncleg.net/enactedlegislation/statutes/html/byarticle/chapter_90/article_5.html

<https://www.alcoholproblemsandsolutions.org/north-carolina-alcohol-laws-aware/>

Good Samaritan Law. (Public)

https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_90/GS_90-96.2.pdf

Health Risks Associated with Substance Use:

<https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

<https://www.niaaa.nih.gov/alcohols-effects-body>

<https://www.cdc.gov/pwids/addiction.html>

<https://www.drugabuse.gov/publications/media-guide/science-drug-use-addiction-basics>

On and off campus resources:

<https://www.quidanceresources.com/qroWeb/login/login.xhtml> (staff only)

<https://collegiaterecovery.ecu.edu/> (students and staff)

<https://hhp.ecu.edu/hdfs/family-therapy-clinic/> (students and staff)

<https://mccclammycounselinglab.wordpress.com/> (students)

<https://dars.ecu.edu/navigate/> (students and staff)

<https://psychology.ecu.edu/pass/> (students and staff)

<https://realcrisis.org/> (students and staff)

<https://www.trilliumhealthresources.org/> (students and staff)

<https://counselingcenter.ecu.edu/> (students only)

Employees are sent an email, with the same language and related links, through "ECU OFFICIAL". This email is sent annually in September. New employees will be initially notified of the DAAPP as a part of the New Employee Orientation. New employees complete a DocuSign acknowledgment package. This allows for notification of the DAAPP as well as obtaining an electronic acknowledgment.

New ECU Faculty will receive a copy of the DAAPP through the ECU Faculty Listserv. The email will be sent to the newest cohort of Faculty members in September of each year. The Office of Faculty Excellence forwards the email on behalf of the DAAPP Task Force. Also note that new Faculty receive the DAAPP through the ECU Official listserv as mentioned above.

C. Biennial Review

Every two years (even years) a review of the DAAPP is conducted. This review is referred to as the Biennial Review Report (BRR). The report cycle runs: August 15-August 16. Based on recommendation, the next BRR completed (due 12/31/2024) will include the semesters of spring 2022, summer 2022, fall 2022, spring 2023, summer 2023, fall 2023, spring 2024, and summer 2024. The additional semesters will be included to get up to cycle for the even year requirement. With the extra semesters added, ECU will stay in compliance for a BRR for each semester. The BRR is conducted primarily by the ECU Well-Being Collective, its representatives, and the ECU Clery Coordinator. The purpose of the BRR is to ensure that the programming done within the DAAPP is effective. Data is collected from many departments across campus regarding programming efforts. Data is also collected regarding AOD sanctions for students and employees. Changes are implemented in the DAAPP based on the findings of the BRR.

D. Education and Prevention Efforts

ECU uses the prevention model developed by the National Academy of Medicine, which states programs should be tailored to meet the specific needs of the three prevention populations: universal (all students), selective (students that are members of high-risk groups) and indicated (individuals who have exhibited high risk behavior). Educational programs target each of these three populations in many forms. We collaborate with students, staff/faculty, parents, administration, and the local community to deliver these educational messages. ECU's prevention approach also includes after-care programming (through our ECU Collegiate Recovery Community).

ECU programming efforts are based on the identified needs of our student population. In an attempt to tailor the programming based on collected data, ECU regularly conducts the American College Health Association /National College Health Assessment (ACHA/NCHA) health survey. This survey asks questions pertinent to our students regarding alcohol and other drug behavior, amongst other health data. In general, the ACHA/NCHA results reflect that our students use substances at a rate and pattern similar to national statistics. Alcohol and other Drugs (AOD) educational programming efforts provided

to our campus are, in part, driven by data from this research. Dates of data collection: spring 2016 (N~490), fall 2019 (N~118), spring 2023 (N~296).

In spring 2023, ECU conducted the ACHA/NCHA college health survey. This was an N=296. With a response rate, about 6.5%.

Below are some of the most pertinent data:

F. Tobacco, Alcohol, and Other Drug Use

Percent (%)	Ever Used			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chewing tobacco cigars, etc.)	42.9	49.1	40.0	46.4
Alcoholic beverages (beer, wine, liquor, etc.)	69.4	75.9	80.0	73.4
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.) <i>[Please report nonmedical use only.]</i>	38.4	51.4	60.0	46.8
Cocaine (coca, crack, etc.)	3.6	5.2	0.0	4.5
Prescription stimulants (Ritalin, Concerta, Dexedrine, Adderall, diet pills, etc.) <i>[Please report nonmedical use only.]</i>	4.5	8.0	0.0	6.5
Methamphetamine (speed, crystal meth, ice, etc.)	0.9	0.0	0.0	0.3
Inhalants (poppers, nitrous, glue, etc., joint thinner, etc.)	3.6	1.1	0.0	2.0
Sedatives or Sleeping Pills (Valium, Ativan, Xanax, Klonopin, Librium, Rohypnol, GHB, etc.) <i>[Please report nonmedical use only.]</i>	8.1	5.7	0.0	6.5
Hallucinogens (Ecstasy, MDMA, Molly, LSD, acid, mushrooms, PCP, Special K, etc.)	11.6	6.3	20.0	8.5
Heroin	1.8	0.0	0.0	0.7
Prescription opioids (morphine, codeine, fentanyl, oxycodone [OxyContin, Percocet], hydrocodone [Vicodin], methadone, buprenorphine [Suboxone], etc.) <i>[Please report nonmedical use only.]</i>	3.6	2.3	0.0	2.7

**These figures use all students in the sample as the denominator, rather than just those students who reported lifetime use.*

Percent (%)	*Used in the last 3 months			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Tobacco or nicotine delivery products (cigarettes, e-cigarettes, Juul or other vape products, water pipe or hookah, chewing tobacco cigars, etc.)	30.4	40.6	0.0	35.8
Alcoholic beverages (beer, wine, liquor, etc.)	63.4	70.9	80.0	67.9
Cannabis (marijuana, weed, hash, edibles, vaped cannabis, etc.) <i>[Please report nonmedical use only.]</i>	24.1	33.7	60.0	30.1
Cocaine (coca, crack, etc.)	0.9	2.3	0.0	1.7
Prescription stimulants (Ritalin, Concerta, Dexedrine, Adderall, diet pills, etc.) <i>[Please report nonmedical use only.]</i>	1.8	2.3	0.0	2.0
Methamphetamine (speed, crystal meth, ice, etc.)	0.0	0.0	0.0	0.0
Inhalants (poppers, nitrous, glue, etc., joint thinner, etc.)	1.8	0.0	0.0	0.7
Sedatives or Sleeping Pills (Valium, Ativan, Xanax, Klonopin, Librium, Rohypnol, GHB, etc.) <i>[Please report nonmedical use only.]</i>	2.7	1.1	0.0	1.7
Hallucinogens (Ecstasy, MDMA, Molly, LSD, acid, mushrooms, PCP, Special K, etc.)	4.5	3.4	0.0	3.7
Heroin	0.9	0.0	0.0	0.3
Prescription opioids (morphine, codeine, fentanyl, oxycodone [OxyContin, Percocet], hydrocodone [Vicodin], methadone, buprenorphine [Suboxone], etc.) <i>[Please report nonmedical use only.]</i>	0.0	0.0	0.0	0.0

Substance Specific Involvement Scores (SSIS) from the ASSIST

Percent (%)	*Moderate risk use of the substance			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Tobacco or nicotine delivery products	25.9	26.9	0.0	26.0
Alcoholic beverages	10.7	13.7	0.0	12.2
Cannabis (nonmedical use)	22.3	24.0	60.0	23.6
Cocaine	0.0	1.1	0.0	0.7
Prescription stimulants (nonmedical use)	0.9	0.6	0.0	0.7
Methamphetamine	0.0	0.0	0.0	0.0
Inhalants	0.9	0.0	0.0	0.3
Sedatives or Sleeping Pills (nonmedical use)	0.0	0.6	0.0	0.3
Hallucinogens	1.8	0.6	0.0	1.0
Heroin	0.0	0.0	0.0	0.0
Prescription opioids (nonmedical use)	0.0	0.0	0.0	0.0

**These figures use all students in the sample as the denominator, rather than just those students who reported lifetime use.*

Percent (%)	*High risk use of the substance			
	Cis Men	Cis Women	Trans/ Gender Non- conforming	Total
Tobacco or nicotine delivery products	1.8	3.4	0.0	2.7
Alcoholic beverages	0.0	1.1	0.0	0.7
Cannabis (nonmedical use)	0.9	1.1	0.0	1.0
Cocaine	0.9	0.0	0.0	0.3
Prescription stimulants (nonmedical use)	0.0	0.0	0.0	0.0
Methamphetamine	0.0	0.0	0.0	0.0
Inhalants	0.0	0.0	0.0	0.0
Sedatives or Sleeping Pills (nonmedical use)	0.0	0.0	0.0	0.0
Hallucinogens	0.0	0.0	0.0	0.0
Heroin	0.9	0.0	0.0	0.3
Prescription opioids (nonmedical use)	0.0	0.0	0.0	0.0

Students in Recovery

■ 2.9 % of college students surveyed (2.2 % cis men, 3.5 % cis women, and 0.0 % transgender/gender non-conforming) indicated they were in recovery from alcohol or other drug use.

When, if ever, was the last time you:

Percent (%)	Drank Alcohol			
	Cis Men	Cis Women	Trans Gender Non-conforming	Total
Never	28.5	19.1	20.0	19.5
Within the last 2 weeks	35.7	50.9	0.0	43.7
More than 2 weeks ago but within the last 30 days	17.0	11.0	20.0	13.3
More than 30 days ago but within the last 3 months	8.0	11.0	40.0	10.9
More than 3 months ago but within the last 12 months	14.3	5.8	20.0	9.2
More than 12 months ago	4.5	2.3	0.0	3.4

Percent (%)	*Used Cannabis/Marijuana			
	Cis Men	Cis Women	Trans Gender Non-conforming	Total
Never	57.1	42.5	40.0	47.6
Within the last 2 weeks	14.3	21.3	20.0	18.4
More than 2 weeks ago but within the last 30 days	2.7	5.7	20.0	4.8
More than 30 days ago but within the last 3 months	7.1	5.7	20.0	6.5
More than 3 months ago but within the last 12 months	12.5	8.0	0.0	9.9
More than 12 months ago	6.3	16.7	0.0	12.9

*Students were instructed to include medical and non-medical use of cannabis.

Driving under the influence

- 11.0 % of college students reported driving after having *any alcohol* in the last 30 days.*
*Only students who reported driving in the last 30 days and drinking alcohol in the last 30 days were asked this question.
- 33.9 % of college students reported driving within 6 hours of using cannabis/marijuana in the last 30 days.*
*Only students who reported driving in the last 30 days and using cannabis in the last 30 days were asked this question.

Source: American College Health Association. American College Health Association-National College Health Assessment III: East Carolina University Executive Summary Spring 2023. Silver Spring, MD: American College Health Association; 2023.

AOD Prevention staff also use data from the University of Michigan Monitoring the Future survey to have a better understanding of the landscape of substance use among high school seniors. Data is also pulled from National Institute of Drug Abuse (NIDA), National Institutes of Health (NIH), American Addiction Centers, Substance Abuse and Mental Health Services Administration (SAMHSA), College Drinking Prevention, Higher Education Center for Alcohol and Drug Misuse Prevention and Recovery (HECAOD), and the Center for Diseases Control (CDC). Note: this is not an exhaustive list. Every effort is made to ensure that prevention programs are data driven and back by evidenced based research.

ECU is dedicated to the pursuit and dissemination of knowledge. As such, our University expects members of the academic community to behave in a manner conducive toward that end. The highest standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal use and/or misuse of alcohol and other drugs by members of the ECU community adversely affects the mission of the institution. In keeping with its primary mission of education, ECU conducts a strong educational program aimed at the prevention and early intervention of alcohol and other drugs. For those members of our community who are misusing or have a substance use disorder, we provide treatment opportunities, including the ECU Collegiate Recovery Community (CRC), as well as consultation and referral as needed.

The AOD prevention efforts engage students in an educational, non-punitive fashion, and encourage active student participation and dialogue in this process. All programs are also targeted at addressing the developmental needs and issues common amongst a college population. Professional staff stay current regarding AOD trends in order to provide the most relevant education and treatment (most recent example being prescription medication and opioid misuse). In addition, Student Affairs Educators have completed training to become facilitators of the Alcohol Skills Training Program (ASTP) as well as Bystander Intervention. AOD professional staff also have the opportunity to attend local and national conferences/trainings to gain knowledge on the most up-to-date practices.

ECU Well-Being Ambassadors (WBA) are student employees within Department of Campus Recreation & Wellness. This group of student employees provide a sizable number of programs and events throughout the AY. WBAs are trained peer health educators and credentialed in peer education are Certified Peer Educators. Their on-boarding process includes trainings provided through ECU Canvas platform. Special attention is given to partnerships and collaboration building with campus partners. There is a menu of programs that the WBA can present on. These programs include but are not limited to: Harm Reduction for AOD use, Overdose Prevention, Sexual Violence, Mindfulness, and overall well-being. The WBA are provided ongoing in-service opportunities by professional staff throughout the AY as well as needed trainings based on identified needs.

First-year students receive a sizable percentage of programming efforts, as research has consistently demonstrated that this population is most immediately “at risk” for problems associated with AOD issues. All programs are designed to educate students about the issues and risks associated with alcohol and other drugs common on college campuses across the country, i.e. violence/sexual violence, overdose, accidents/injuries and other health issues, academic risks, legal ramifications, social norming messages, harm-reduction strategies, and addiction potential. Also of note, we tailor our educational programming specifically to our ECU campus based on our research data, feedback from student groups, and themes particular to our campus and the Greenville Community. When national speakers are contracted to present on campus, we provide collaborative consultations to apprise them of our specific culture and needs at ECU. We additionally view AOD prevention and education as an essential ingredient in university resiliency and retention efforts. Therefore, the adverse role that AOD issues have on student success, grade point average being an immediate example, is considered and made part and parcel of many programs delivered.

For the purpose and scope of this report, AOD education done in courses for academic credit hours through various academic departments at ECU will not be detailed here. The AOD efforts section is concluded with a description of the ECU Well-Being Collective that helps establish ECU’s direction regarding AOD prevention.

I. Direct Educational Outreach Programming

This entails education programs directly (face-to-face) provided to various campus constituents (primarily students). These programs deliver AOD information in a variety of settings such as classrooms, residence halls, and to a wide-variety of specific student groups and sub-groups, such as Orientation students, Fraternity and Sorority Organizations, first-years, student-athletes, student leaders, and a variety of student organizations.

The information is shared in a non-judgmental and engaging manner by ECU professional staff members from: Campus Living, Campus Recreation and Wellness, Center for Counseling and Student Development, the ECU Police Department, Fraternity and Sorority Life, Office of Student Rights and Responsibilities, Student Health Services, the ECU Well-Being Collective, and the Victim Services program via the Dean of Students Office. Programming is also provided by university Student Well-Being Ambassadors. The primary emphasis is based on a harm-reduction model and safe-decision making. ECU provides a comprehensive alcohol and other drug prevention and education program based upon

the best practices that currently exist in the field. All efforts are made to create programming that is both educational and interactive. Resources such as emotional health counseling and well-being coaching are included in outreach presentations to help inform students of available support on campus.

Educational programming to staff and faculty targets issues such as identification of substance use issues, general AOD education knowledge, identification of alcohol related emergencies such as alcohol poisoning, notification of the ECU Good Samaritan Regulation/NC Good Samaritan Law, education surrounding the Student Code of Conduct, and appropriate response and referral protocol for staff or faculty members working with a student population.

In February 2020, ECU implemented a Narcan Access Program. This was created to create ready availability of NARCAN®/Naloxone (an opioid overdose reversal medication) on campus. Students, faculty, and staff have access to this medication free and it can be obtained through the Student Health Services Pharmacy. Education regarding this program and how to access are shared through all AOD educational efforts. Specialized education was created in 2023 for the University's Fraternity and Sorority life organizations. This effort was initiated by a student leader and has been incorporated into the overall AOD education. Partnerships with academic departments such as Health and Human Performance have been established as well through student organizations to promote and educate the campus community of overdose potential and the use of Naloxone. Educational efforts regarding Opiate addiction and overdose potential are also offered to faculty and staff as appropriate. The Opioid Overdose Prevention & Response Training is available by demand to the campus and surrounding community. This training is managed by the AOD professionals in the Health & Well-Being unit.

In June 2023, ECU partnered with the Pitt County Coalition of Substance Use to receive a donation of naloxone to replenish our supply at Student Health Services. Below is the press release related to this partnership:

“ECU partners with Pitt County Coalition on Substance Use to assist students with lifesaving medication”

GREENVILLE, N.C. (6/6/2023) — East Carolina University's Center for Counseling and Student Development and Student Health Services are partnering with the Pitt County Coalition on Substance Use to provide the lifesaving medication Narcan (generic name naloxone) to students. ECU students have had access to Narcan through Student Health Services Pharmacy since February 2020.

Narcan is an opioid antagonist used for complete or partial reversal of opioid overdose. Students who seek Narcan are assisted in a discreet, nonjudgmental manner by going to Student Health Services Pharmacy and asking for a “Pirate Safety Kit.” Each kit includes two doses of Narcan as well as other harm reduction resources and written educational materials regarding substance use and treatment.

ECU police officers also have access to the medication in case of potential overdose emergencies.

ECU is one of dozens of universities across the country providing access to Narcan to its students. Additionally, ECU provides education to students regarding the dangers of opioid use, including signs and symptoms of an opioid overdose as well as how to access Narcan. The university also has a Good Samaritan amnesty regulation that is intended to encourage students to seek medical assistance for a fellow student during a potential overdose emergency.

“The Center for Counseling and Student Development and Student Health Services are pleased to partner with the Pitt County Coalition on Substance Use,” said Dr. LaNika Wright, associate vice chancellor for health and well-being. “This allows us to continue educating individuals on the risks of substance use as well as the importance of Narcan as a lifesaving medication.”

The Pitt County Coalition on Substance Use (PCCSU) works to bring about a community in which youth reject substance use, adults utilize low risk choices regarding substance use and treatment services are available to those in need. The coalition provides community training on how to use Narcan and the significance of this lifesaving medication.

“PCCSU is excited to develop this partnership with ECU to ensure that resources are available to college students. We are always looking for ways to support and educate the community,” said Lillie Malpass, executive director of the Pitt County Coalition on Substance Use.

For additional information visit the Center for Counseling and Student Development, Student Health Services or Pitt County Coalition on Substance Use websites.

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II. Passive AOD Information Dissemination

ECU professional staff can reach many individuals through an approach other than direct face-to-face programming. These programs deliver AOD education messages broadly through passive print and digital marketing channels such as rack cards, advertisements, blogs, social media, digital signage, stall talks, and other means deemed necessary and appropriate. ECU is currently running a digital media campaign geared towards social norming and harm reduction. Educational materials are located in Well-Being Hubs on Main and Health Sciences Campuses as well as Student Health, Counseling Center, Recreation Centers, and Well-Being offices.

III. Online Alcohol Education to First-year students

In the summer and fall of 2008, ECU began using online alcohol education for all first-year ECU students under the age of twenty-one. This educational opportunity was endorsed and actualized through the Alcohol, Tobacco, and other Drug Committee (ATOD), and financially sponsored by the Pitt County ABC Board, and ECU Division of Student Affairs. Marketing is conducted in the summer and fall to students, family, faculty/staff to encourage completion of the online program. Since its inception, this program has had a high percentage completion rate amongst our first-year students. Additional modules have since been added to include drug education, sexual assault prevention, intimate partner

violence education and prevention. As of 2023, education is offered to all first-year students regardless of age. Courses are also offered to graduate students and special student populations such as Fraternity and Sorority Life. The evaluation of these programs has consistently found that students increase their knowledge about alcohol and other drugs and demonstrates that students report being more likely to intervene in a substance related emergency.

IV. Early Intervention Education and Counseling

The enforcement and judicial processes are closely interwoven with educational and counseling efforts regarding AOD infractions. This is done to provide a comprehensive response to students who are found responsible for violating the code of conduct. All students that violate the ECU Student Code of Conduct for AOD offenses are required to participate in an education and/or counseling programs. Such programs are offered through the Office of Student Rights and Responsibilities and at the ECU Center for Counseling and Student Development (CCSD). The purpose of these interventions is to educate students about AOD issues, teach harm-reduction principles, and attempt to instill healthy decision making. The programs emphasize education and counseling over punitive measures. Assessment of emotional health functioning is incorporated as well. CCSD utilizes the intervention model entitled "Brief Alcohol Screening and Intervention for College Students" (BASICS) that has widely proven efficacy (including research by the National Institute of Health) using a motivational interviewing approach. The education intervention and counseling are delivered to students via assessments, individual counseling sessions, and group psychoeducational sessions.

Enrolled students may participate in self-referred counseling services/treatment at ECU's CCSD. Consultation will be continuous regarding appropriate ASAM level of care with a short-term treatment model in mind. If a student displays behaviors that are in line with a higher level of care, for example: inpatient treatment or an intensive outpatient program. Longer-term treatment needs for students will be most suited at an off-campus provider. The Addiction Specialists on CCSD staff will assess students and determine what off-campus options are available for a long-term course of treatment.

There are currently 3 facility-based crisis programs in the Greenville, NC area. Students or staff can be referred to these programs for detoxification, which typically consists of a brief inpatient stay. ECU Health houses a behavioral health unit that provides brief inpatient psychiatric care. Currently, there are no long-term inpatient substance use disorder treatment options on ECU's campus or in the Greenville, NC area. There are 4 counseling training clinics on campus that provide outpatient counseling services to students and staff. Section "I. Resources for Students and Employees" of this document will list on and off campus counseling/treatment options for students and staff. These resources will encompass multiple levels of care to address substance use disorders. The treatment options are listed only as options and are not affiliated with ECU in any way. ECU does not endorse the facilities in any way.

V. Alternative Activities

ECU is fortunate to have well-resourced Campus Recreation and Wellness (CRW) facilities that offer many substance-free and healthy activities. CRW programming includes numerous late night and weekend events. Additionally, the departments that comprise Student Involvement and Leadership offer many substance-free alternative activities. Many departments/offices in the Division of Student Affairs collaborate to offer a series of programs that deliver alternative activities throughout the year, including times especially associated with high-risk alcohol use such as at Halloween and spring break. All programs are marketed in AOD education outreach programs to encourage attendance and healthy substance-free social outlets. Every ECU residence hall offers many programs throughout the year that provide entertainment, education, and socialization opportunities. Additionally, there are “living/learning” communities that promote positive academic and extracurricular choices for students. The Collegiate Recovery Community offers several substance-free programs and events each year. Special programs are hosted to bring awareness to Recovery Month, Recovery Allies, and social connections.

VI. Alcohol, Tobacco, and other Drug Committee (ATOD)

This is a multidisciplinary committee represented by many campus constituents whose mission is to coordinate AOD prevention, harm-reduction and education efforts. It is comprised of administration, faculty, staff, and student representatives. In 2023 the ATOD Committee was incorporated into the overall University Well-Being Collective as a sub-committee. This shift was made based on collaboration opportunities with campus partners and with the hope of decreasing duplication of efforts. At the end of the 2022/2023 AY, the results of this shift were positive and a significant increase in partnerships across campus has been noted. The structure of ATOD as a sub-group of the University Well-Being Collective will continue to be monitored to ensure that this is the best option long-term. The Director of Well-Being, serves as Chair of the ECU Well-Being Collective and the Center for Counseling and Student Development AOD Prevention Coordinator, serves as the Chair of the ATOD sub-group.

VII. Collegiate Recovery Community

The East Carolina University Collegiate Recovery Community (CRC) is designed to provide educational opportunities, personal development, and social enhancement to students in recovery from substances and to allies that support their journey to a better self. The goal of ECU CRC is to create a welcoming environment for all students at the University and to create a culture within the University that supports abstinence (as defined by student) within a model of a recovery-based system of care. In summer 2022, the CRC was transitioned to the purview of Campus Recreation and Wellness department and a new Coordinator was hired in September 2022. The shift in the program was done as a strategic move to increase visibility of the program and opportunities and to maximize participation.

VIII. Remote Services

In March 2020, CCSD moved all AOD prevention and intervention services to a remote format. Operations were altered in a way to continue to serve students in a virtual platform. WebEx was the

platform used due to students' ease of access as well as compliance with confidentiality guidelines. Harm reduction and education sessions were conducted for BASICS sanctions. AOD outreach programming was also provided to a variety of student groups and academic classes during the 2021-2022 academic year. AOD services are transitioning to face to face delivery in fall 2022, however some of the services offered will remain virtual. In fall 2023, psychoeducational workshops will be offered virtually. Individual counseling services will be offered based on the preference of the student. Outreach programs- tabling events, presentation, education fairs will be offered face to face.

D. Health Risks Associated with Substance Use

Drug Type	Common Name	Health Risks
Alcohol	Booze, beer, wine, hard seltzers, liquor	High blood pressure, higher risk of sexually transmitted diseases & unplanned pregnancy, depression, lowered resistance to disease, insomnia
Marijuana	Grass, reefer, pot, weed	Damage to heart, lungs, brain, lung cancer, decreased motivation, depression, paranoia, impaired memory
Steroids	Anabolic/Andreno-genic (roids, juice)	High blood pressure, liver and kidney damage, acne, artrophy of testes, breast enlargement in men, breast reduction in women, aggressiveness, mood swings
Solvents-Inhalants	Acetone, freons, nitrous oxide	Heart failure, respiratory arrest, liver and brain damage
Depressants	Alcohol, ludes, barbiturates	Liver damage, convulsions, depression, disorientation, insomnia
Hallucinogens	PCP, LSD, angel dust, mushrooms	Agitation, extreme hyperactivity, reduced eating, flashbacks
Stimulants	Cocaine, crack, amphetamines, diet pills	Headaches, depression; malnutrition, anorexia, strokes, seizures
Narcotics	Smack, codeine, heroine, lords	Respiratory arrest, sleepiness, organ and lung damage, nausea
Tobacco	Nicotine products	Lung cancer, emphyzema, oral cancer

Source: www.cdc.gov/Alcohol/quickstats/general_info.htm

Alcohol Use and Your Health

Source: Division of Population Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention

What is excessive drinking?

Excessive drinking includes binge drinking, heavy drinking, and any drinking by pregnant women or people younger than age 21. Binge drinking, the most common form of excessive drinking, is defined as consuming:

- For women, 4 or more drinks during a single occasion.
- For men, 5 or more drinks during a single occasion.

Heavy drinking is defined as consuming:

- For women, 8 or more drinks per week.
- For men, 15 or more drinks per week.
- Most people who drink excessively are not alcoholics or alcohol dependent.⁵

What is moderate drinking?

Drinking in Moderation: 1 drink or less in a day for women; 2 drinks or less in a day for men; or nondrinking. The Dietary Guidelines for Americans recommends that adults of legal drinking age can choose not to drink, or to drink in moderation by limiting intake to 2 drinks or less in a day for men or 1 drink or less in a day for women, on days when alcohol is consumed.⁴ The Guidelines also do not recommend that individuals who do not drink alcohol start drinking for any reason and that if adults of legal drinking age choose to drink alcoholic beverages, drinking less is better for health than drinking more.⁴ There are some people who should not drink any alcohol, including those who are:

- Younger than age 21.
- Pregnant or may be pregnant.
- Driving, planning to drive, or participating in other activities requiring skill, coordination, and alertness.
- Taking certain prescription or over-the-counter medications that can interact with alcohol.
- Suffering from certain medical conditions.
- Recovering from alcoholism or are unable to control the amount they drink.⁴

By adhering to the Dietary Guidelines, you can reduce the risk of harm to yourself or others.

Short-Term Health Risks.

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.^{6,7}
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.⁶⁻¹⁰
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.¹¹
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.^{12,13}
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.^{6,12,14,15}

Long-Term Health Risks.

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.6,16
- Cancer of the breast, mouth, throat, esophagus, voice box, liver, colon, and rectum.6,17
- Weakening of the immune system, increasing the chances of getting sick.6,16
- Learning and memory problems, including dementia and poor school performance.6,18
- Mental health problems, including depression and anxiety.6,19
- Social problems, including family problems, job-related problems, and unemployment.6,20,21
- Alcohol use disorders, or alcohol dependence.5

By not drinking too much, you can reduce the risk of these short- and long-term health risks.

Source: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm#:~:text=High%20blood%20pressure%2C%20heart%20disease,liver%20disease%2C%20and%20digestive%20problems.&text=Cancer%20of%20the%20breast%2C%20mouth,liver%2C%20colon%2C%20and%20rectum.&text=Weakening%20of%20the%20immune%20system%2C%20increasing%20the%20chances%20of%20getting%20sick.&text=Learning%20and%20memory%20problems%2C%20including%20dementia%20and%20poor%20school%20performance>

*The following charts are from: <https://nida.nih.gov/research-topics/commonly-used-drugs-charts> and represent commonly used substances, forms they are used in, possible health effects, and treatment options.

Commercial Names	Common Forms	Common Way Taken	DEA Schedule
Various brand names in states where the sale of marijuana is legal	Greenish-gray mixture of dried, shredded leaves, stems, seeds, and/or flowers; resin (hashish) or sticky, black liquid (hash oil)	Smoked, Vaped, Eaten (mixed in food or brewed as tea)	I**
Possible Health Effects			
Short-term	Enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; anxiety.		
Long-term	Mental health problems, chronic cough, frequent respiratory infections.		
Other Health-related Issues	THC vaping products mixed with the filler Vitamin E acetate (and possibly other chemicals) has led to serious lung illnesses and deaths . Pregnancy: babies born with problems with attention, memory, and problem solving.		

Possible Health Effects	
In Combination with Alcohol	Increased heart rate, blood pressure; further slowing of mental processing and reaction time.
Withdrawal Symptoms	Irritability, trouble sleeping, decreased appetite, anxiety.
Treatment Options	
Medications	There are no FDA-approved medications to treat marijuana addiction.
Behavioral Therapies	<ul style="list-style-type: none"> ▪ Cognitive-behavioral therapy (CBT) ▪ Contingency management, or motivational incentives ▪ Motivational Enhancement Therapy (MET) ▪ Behavioral treatments geared to adolescents

Commercial Names	Common Forms	Common Ways Taken	DEA Schedule
Barbiturates: pentobarbital (Nembutal®)	Pill, capsule, liquid	Swallowed, injected	II, III, IV
Benzodiazepines: alprazolam (Xanax®), chlorodiazepoxide (Librium®), diazepam (Valium®), lorazepam (Ativan®), triazolam (Halcion®)	Pill, capsule, liquid	Swallowed, snorted	IV
Sleep Medications: eszopiclone (Lunesta®), zaleplon (Sonata®), zolpidem (Ambien®)	Pill, capsule, liquid	Swallowed, snorted	IV

Possible Health Effects	
Short-term	Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing.
Long-term	Unknown.
Other Health-related Issues	<p>Sleep medications are sometimes used as date rape drugs.</p> <p>Risk of HIV, hepatitis, and other infectious diseases from shared needles.</p>
In Combination with Alcohol	Further slows heart rate and breathing, which can lead to death.
Withdrawal Symptoms	Must be discussed with a health care provider; barbiturate withdrawal can cause a serious abstinence syndrome that may even include seizures.
Treatment Options	
Medications	There are no FDA-approved medications to treat addiction to prescription sedatives; lowering the dose over time must be done with the help of a health care provider.
Behavioral Therapies	More research is needed to find out if behavioral therapies can be used to treat addiction to prescription sedatives.

Commercial Names	Common Forms	Common Ways Taken	DEA Schedule
<i>Cocaine hydrochloride</i> topical solution (low dose anesthetic used in certain medical procedures)	White powder, whitish rock crystal	Snorted, smoked, injected	II**
Possible Health Effects			
Short-term	Narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy, alertness; insomnia, restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, coma.		
Long-term	Loss of sense of smell, nosebleeds, nasal damage and trouble swallowing from snorting infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; lung damage from smoking.		
Other Health-related Issues	Pregnancy: premature delivery, low birth weight, deficits in self-regulation and attention in school-aged children prenatally exposed. Risk of HIV, hepatitis, and other infectious diseases from shared needles.		
In Combination with Alcohol	Greater risk of cardiac toxicity than from either drug alone.		
Withdrawal Symptoms	Depression, tiredness, increased appetite, insomnia, vivid unpleasant dreams, slowed thinking and movement, restlessness.		
Treatment Options			
Medications	There are no FDA-approved medications to treat cocaine addiction.		
Behavioral Therapies	<ul style="list-style-type: none"> ▪ Cognitive-behavioral therapy (CBT) ▪ Contingency management, or motivational incentives, including vouchers ▪ The Matrix Model ▪ Community-based recovery groups, such as 12-Step programs ▪ Mobile medical application: reSET* 		

Commercial Names	Common Forms	Common Ways Taken	DEA Schedule
Codeine (various brand names)	Tablet, capsule, liquid	Injected, swallowed (often mixed with soda and flavorings)	II, III, V**
Fentanyl (Actiq [®] , Duragesic [®] , Sublimaze [®])	Lozenge, sublingual tablet, film, buccal tablet	Injected, smoked, snorted	II**
Hydrocodone or dihydrocodeinone (Vicodin [®] , Norco [®] , Zohydro [®] , and others)	Capsule, liquid, tablet	Swallowed, snorted, injected	II**
Hydromorphone (Dilaudid [®])	Liquid, suppository	Injected, rectal	II**
Meperidine (Demerol [®])	Tablet, liquid	Swallowed, snorted, injected	II**
Methadone (Dolophine [®] , Methadose [®])	Tablet, dispersible tablet, liquid	Swallowed, injected	II**
Morphine (Duramorph [®] , MS Contin [®])	Tablet, liquid, capsule, suppository	Injected, swallowed, smoked	II, III**
Oxycodone (OxyContin [®] , Percodan [®] , Percocet [®] , and others)	Capsule, liquid, tablet	Swallowed, snorted, injected	II**
Oxymorphone (Opana [®])	Tablet	Swallowed, snorted, injected	II**

Possible Health Effects

Short-term	Pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death.
Long-term	Increased risk of overdose or addiction if misused.
Other Health-related Issues	<p>Pregnancy: Miscarriage, low birth weight, neonatal abstinence syndrome.</p> <p>Older adults: higher risk of accidental misuse because many older adults have multiple prescriptions, increasing the risk of drug-drug interactions, and breakdown of drugs slows with age; also, many older adults are treated with prescription medications for pain.</p> <p>Risk of HIV, hepatitis, and other infectious diseases from shared needles.</p>
In Combination with Alcohol	Dangerous slowing of heart rate and breathing leading to coma or death.
Withdrawal Symptoms	Restlessness, muscle and bone pain, insomnia, diarrhea, vomiting, cold flashes with goose bumps ("cold turkey"), leg movements.

Treatment Options

Medications	<ul style="list-style-type: none"> ▪ Methadone ▪ Buprenorphine ▪ Naltrexone (short- and long-acting)
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Possible Health Effects

Behavioral Therapies	The same behavioral therapies that have helped treat addiction to heroin are used to treat prescription opioid addiction.
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Multiple brand names	cigarettes, vaping devices, e-cigarettes, cigars, bidís, hookahs, kreteks Smokeless tobacco: snuff, spit tobacco, chew	Smoked, snorted, chewed, vaporized	Not Scheduled

Possible Health Effects

Short-term	Increased blood pressure, breathing, and heart rate. Exposes lungs to a variety of chemicals. Vaping also exposes lungs to metallic vapors created by heating the coils in the device.
Long-term	Greatly increased risk of cancer, especially lung cancer when smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia.
Other Health-related Issues	<p><i>Nicotine:</i> in teens it can affect the development of brain circuits that control attention and learning.</p> <p><i>Tobacco products:</i> Use while pregnant can lead to miscarriage, low birth weight, stillbirth, learning and behavior problems.</p> <p><i>Vaping products:</i> Some are mixed with the filler Vitamin E acetate and other chemicals, leading to <u>serious lung illnesses and deaths</u>.</p>

In Combination with Alcohol	Unknown.
Withdrawal Symptoms	Irritability, attention and sleep problems, depression, increased appetite.
Treatment Options:	
Medications	Bupropion (Zyban®) Varenicline (Chantix®) Nicotine replacement (gum, patch, lozenge)
Behavioral Therapies	Cognitive-behavioral therapy (CBT) Self-help materials Mail, phone, and internet quitting resources

E. Standards of Conduct and Policies

ECU actively engages in enforcement efforts pertaining to the illegal use of alcohol and other drugs. The ECU Police Department patrols all campus properties and a portion of the surrounding areas. Additionally, ECU collaborates actively, and through reciprocal agreements, with local law enforcement and judicial entities to address the state and federal laws pertaining to alcohol and other drugs. The local departments that ECU works closely with regarding AOD laws are: Greenville Police Department, Alcohol Law Enforcement (ALE), Alcohol Beverage Control (ABC), Pitt County District Attorney's Office, and The City of Greenville. Information is often shared with the Office of Student Rights and Responsibilities (OSRR); in return OSRR adjudicates each student case based upon accepted federal and Institutions for Higher Education guidelines. ECU's OSRR office does parental notifications for AOD cases. Additionally, staff collaborates with local attorneys for AOD education and counseling per favorable court disposition.

Policy REG05.20.09

Title: Tobacco and Vaping Use on Campus

Category Campus Environment
Sub-category Health, Safety and Welfare
Authority Chancellor

History: Revised, December 4, 2008; Approved by Chancellor's Executive Council January 12, 2009; July 2017; Revised and approved by Chancellor's Executive Council on April 23, 2018 (effective July 1, 2018)
Contact: Human Resources (252) 328-9848

1. Introduction

1.1. This regulation governs all buildings and property that are owned, leased or occupied by East Carolina University ("university"). This regulation also governs the grounds and walkways of such properties and state vehicles.

1.2. This regulation is adopted in accordance with North Carolina law for purposes of improving public health and applies to all faculty, staff, students, visitors and patients. It is the responsibility of every member of the university community to conduct himself or herself in compliance with this regulation.

2. Tobacco and Vaping Use Restrictions

2.1. "Tobacco and Vaping use" is defined as the use of any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, and any component, part or accessory of a tobacco and vaping product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco and vaping; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cutting and sweepings of tobacco, e-cigarettes, hookah, and other kinds and forms of tobacco. Tobacco use shall be understood to also include vaping or vaporizing. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

2.1.1 Buildings: Effective August 14, 2008, smoking is prohibited inside university owned or leased buildings, including residence halls governed by the division of Student Affairs. The word "buildings" includes, but is not limited to, building walls, exits, entrances, air intakes, windows, exterior stairs, balconies, porches, breezeways or any other structure adjoining a campus building.

2.1.2 Grounds and Walkways: Effective July 1, 2018, tobacco and vaping use is prohibited within 100 linear feet of all University buildings. Tobacco and vaping use may be prohibited in other outdoor spaces (beyond 100 feet) for safety or health reasons as approved by the Office of Environmental Health and Safety.

2.1.3 ECU Health Sciences Complex ("HSC"):

2.1.3.1 Tobacco and vaping use is prohibited on HSC grounds by ECU faculty, staff, students, patients and visitors. This regulation applies to parked cars on the grounds and to all property leased to, owned, or occupied by the HSC.

2.1.3.2 Offsite facilities: If a HSC facility is located off campus or otherwise away from the Health Science Center campus, the regulation will still apply.

2.1.4 State Vehicles: Effective January 1, 2009, smoking is prohibited in all state vehicles. State vehicles are defined as a passenger-carrying vehicle owned, leased or otherwise controlled by the State and assigned permanently or temporarily to a State employee, State agency, or institution for official State business. One or more signs placed in conspicuous areas of the vehicle shall state that "smoking is prohibited" and may include the international "no smoking" symbol.

2.1.5 Exceptions

2.1.5.1 Tobacco and vaping use is permitted inside university buildings that are used for medical or scientific research to the extent that smoking is an integral part of the research. Tobacco and vaping use permitted under this subsection shall be confined to the area where the research is being conducted and as approved by the Office of Environmental Health and Safety.

2.1.5.2 For outside athletic venues that require ticketing with no re-entry, designated areas approved by the Office of Environmental Health and Safety shall remain in effect at the discretion of the Athletic Director.

3. Implementation

3.1. Facilities Services, in consultation with the University Wellness Committee, shall be responsible for: (1) design, installation and maintenance of signage to promote awareness of the regulation at appropriate building locations and signage, (2) Facilities Services will provide appropriate receptacles for smoking waste in designated areas. Signage should include a phone number for smoking cessation resources (i.e., QuitlineNC).

3.2. Department heads will be responsible for installation and maintenance of signage in state vehicles under their control.

3.3. University Communication, Public Affairs & Marketing, with input from the University Wellness Committee, will implement a communications plan to highlight available tobacco use cessation services and inform the campus community about the regulation.

3.4. The University Wellness Committee, with support from Healthy Pirates and other student groups, will implement an educational campaign to inform, educate, and promote compliance with the regulation.

3.5. Ongoing implementation to promote compliance will be led by Campus Recreation and Wellness (with responsibility for educating students) and Human Resources (with responsibility for educating staff and in collaboration with Office for Faculty Excellence for educating faculty).

4. Enforcement

4.1. Deans, directors and department heads have responsibility for education and enforcement of this regulation when it involves individuals within their unit. However, all members of the university community should promote compliance by educating visitors, patients and new faculty, staff and students. Students violating this regulation may be referred to the Dean of Students. Human Resources is available to assist with faculty and staff violations.

4.2. Visitors, patients, and students who violate the regulation should be reminded of the regulation and asked to comply. If a student refuses to comply with the regulation, the Dean of Students' office should be contacted. That office will follow up with the student regarding the regulation and available resources.

4.3. Any university employee who violates the regulation should be reminded of the regulation and asked to comply. If an employee refuses to comply with the regulation, the immediate supervisor of the employee will be advised. The immediate supervisor will follow up with the employee to remind him/her about the regulation and available resources. Continuing violations may also result in appropriate corrective action under the applicable disciplinary policy.

4.4. ECU Police may issue citations to anyone who violates this regulation. Citations result in a fine of up to \$25 and are subject to additional court costs and/or other University policies relating to debts owed the University.

5. Regulation Management

5.1 In conformance with the Policy on Formatting, Adopting Policies Rules and Regulations, Human Resources will recommend updates to this regulation as required. Human Resources is available to assist departments in policy interpretation and compliance. The University Wellness Committee is available to assist in efforts promoting education and compliance.

Policy REG05.20.10

Title: Illegal Drugs and Substance Abuse

Authority: Chancellor

History: Adopted July 15, 1988; Amended October 1990; Revised August 29, 2019. Moved to permanent August 15, 2022.

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

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.

Possession, Consumption and Sale of Alcoholic Beverages

Version 3 (Current Version)

Category: Governance and Administration

Authority: Chancellor

History: Approved as interim August 28, 2019; Revised and posted as permanent March 31, 2020; revised January 2022.

Contact: Office of the Chief of Staff (252) 328-9094

1. Introduction

Within the defined jurisdiction of the University Alcohol Policy (the "Policy"), the Possession, Consumption, and Sale of Alcoholic Beverages are prohibited: (a) for all persons under the age of 21; (b) in areas of classrooms being used for instructional purposes; and (c) in all other buildings, facilities, and grounds of the University except as permitted by the Policy or this Regulation.

Alcoholic beverages are defined as spirituous liquor, mixed beverages, malt beverages, and fortified and unfortified wines. The following provisions apply to the various indicated facilities associated with ECU.

2. ECU Athletic Facilities

2.1. As permitted by G.S. § 18B-1006(10), the ECU Board of Trustees approved the issuance of permits for the sale of alcoholic beverages at the following ECU Athletics Facilities, subject to regulations adopted by the Chancellor:

2.1.1. Dowdy-Ficklen Stadium,

2.1.2. Williams Arena at Minges Coliseum,

2.1.3. Clark-LeClair Stadium,

2.1.4. Joyner Family Softball Stadium, and

2.1.5. Johnson Stadium

2.2. As stated in G.S. § 18B-1006(10), "Notwithstanding the issuance of a mixed beverages permit pursuant to G.S. 18B-1001(10), this subdivision does not authorize the sale of mixed beverages when the stadium, athletic facility, or arena is being used for a sports event sponsored by the public college or university." (excluding facilities in provision 2.6 of this regulation).

2.3. ECU, its contracted vendors, businesses that contract for use of the facilities from ECU, and ECU's Associated Entities, as recognized by ECU pursuant to N.C.G.S. Section § 116-20.30, may seek such permits from the appropriate authorities and, if such permits are granted, may sell alcoholic beverages within the premises of the designated ECU Athletic Facilities, including any area that is within 500 feet of the furthest exterior building wall, perimeter fence, or permanent fixed perimeter as designated in the application for such permits. Persons at least 21 years of age possessing a government-issued identification document as proof of his or her age, such as a driver's license, are permitted to possess and consume alcoholic beverages in the Athletics Facilities sold to them in accordance with this Regulation.

2.4. The ECU Athletic Director must annually submit an Alcohol Sales Management Plan to the Chancellor.

2.4.1. The plan must be developed in collaboration with all contracted concessionaire vendors, ECU Police Department, Environmental Health & Safety, the Faculty Athletics Representative, the Office of University Counsel, and any contracted security firm.

2.4.2. The plan must address controls to mitigate risks, including, but not limited to, the following:

2.4.2.1. Appropriate Training. No one may sell or serve alcoholic beverages unless they hold a current, active and valid certification in an approved alcoholic beverage service training program from (a) TEAM (Techniques for Effective Alcohol Management) training sponsored by the TEAM Coalition ("TEAM"), or (b) Responsible Alcohol Sales Education (RASE). This training will be conducted by Pitt County ABC and/or North Carolina ALE.

2.4.2.2. In these trainings, staff will be instructed in accordance with the state certified course, which includes how to identify signs of impairment, potential for liability, and how to intervene when necessary. In addition, trained staff members will work with event management to develop a customized Facility Alcohol Management (FAM) plan.

2.4.2.3. A defined per transaction serving limit in accordance with state law.

2.4.2.4. Protocols to deny service to minors or visibly intoxicated individuals.

2.4.2.5. Increased customer service and security presence in parking lots immediately before and after games.

2.4.2.6. Security standards and staffing, which may include security cameras to monitor the program activities.

2.4.2.7. Ensuring supervisors enforce policies via staff dedicated to monitoring compliance.

2.4.2.8. Implementation of multiple layers of identification, including, but not limited to wristbands.

2.4.2.9. Enhanced gate screening to prevent entry of alcohol.

2.4.2.10. Use of existing first-aid stations.

2.4.2.11. Communication protocols for fans to share concerns about alcohol sales.

2.4.2.12. Promotion of responsible drinking, ride sharing, and designated drivers.

2.5. Tailgating

2.5.1. Persons at least 21 years of age (sometimes referred to as “of legal age”) possessing a government-issued identification document as proof of age, such as a driver’s license, are permitted to possess and consume alcoholic beverages in the Athletics-managed Facilities parking areas in connection with tailgating at events being held in the Athletics Facilities, or on such other occasions as permitted by the Chancellor or the Chancellor’s designee, during times and at locations within the Athletics Facilities parking area specified by the University.

2.5.2. Alcoholic beverages may be possessed and consumed by persons at least 21 years of age within the following Pirate Club tailgating lots during a period beginning no earlier than six (6) hours immediately before and ending no later than two (2) hours immediately following the official conclusion of the related athletic event:

2.5.2.1. Stratford Arms Lot

2.5.2.2. Williams Jungle Lot

2.5.2.3. Aman Family Lot

2.5.2.4. Carol Belk Lot

2.5.2.5. Elmhurst School Lot

2.5.2.6. Shreve Silver Lot

2.5.2.7. Wilkinson Gold Lot

2.5.2.8. Blue Lot

2.5.2.9. Gray Lot

2.5.2.10. Burt Family Premium Lot

2.5.2.11. Fieldside Lot

2.5.2.12. Lower Minges Lot

2.5.2.13. College Hill Lot

2.5.3. The time and access restrictions listed in 2.5.2 do not include those with valid Recreational Vehicle (RV) parking passes.

2.6. Pirate Club Sponsored Events

2.6.1. Possession and consumption of alcoholic beverages in the areas specified below may occur only in connection with and through service of alcoholic beverages by one or more professional bartender(s) secured by the Pirate Club or the ECU Alumni Association for that purpose, in compliance with a duly issued permit or license from a State or local agency with jurisdiction over such service under applicable provisions of the General Statutes of North Carolina.

2.6.1.1. TowneBank Tower (excluding Suites and Loge Boxes)

2.6.1.2. Pete & Lynn Murphy Center

2.6.1.3. Williams - Clark Club Level

2.7. Disciplinary Action

2.7.1. No alcoholic beverage may be taken inside the Athletics Facilities except as served and restricted by an Associated Entity of ECU that has applied for and obtained permission to serve alcoholic beverages in compliance with ECU policy and applicable law, regulations, and ordinances.

2.7.2. Persons found in possession of alcoholic beverages within the Athletics Facilities, except as otherwise permitted by the Policy or as designated herein, will forfeit their game or event ticket(s) with no right of refund and be expelled from the game or event and may be permanently banned from all or any part of the University, including the Athletics Facilities, for violation(s) of the Policy, including but not limited to this Regulation.

2.7.3. Disciplinary actions taken against University students and employees for violations shall be in accordance with applicable University policies, such as the ECU Student Code of Conduct (for students only).

2.8. The Director of Athletics may permit possession and consumption of alcoholic beverages at occasions unrelated to any athletic event, tailgating, or any other event being held in the Athletics Facilities if the service of such beverages is pursuant to an applicable license issued by the State Board of Alcoholic Control, under pertinent provisions of the General Statutes of North Carolina.

3. Other Approved Areas

3.1. The provisions below designate the Other Approved Areas where the Chancellor has approved the possession and consumption of alcoholic beverages, as defined by the Policy.

3.2. Wherever alcoholic beverages are possessed or consumed:

3.2.1. The persons possessing and/or serving the alcohol must ensure adequate safeguards are in place for compliance with federal, state, and municipal ordinances and laws and all University Policies;

3.2.2. For University or University Associated Entity (e.g., foundation) sponsored events or activities, alcoholic beverages must be distributed by a bartender through the University contracted catering services or through a University-approved bartender;

3.2.3. Approval for the possession and consumption of alcoholic beverages must be obtained in advance and to the extent specified in the Policy; and

3.2.4. The designation of an Other Approved Area notwithstanding, alcoholic beverages will not be made available, possessed, or consumed within areas designated for use by the University as "Alcohol Free" (such as at alcohol free student events sponsored by the Division of Student Affairs).

3.3. New requests to add a location to the list of Other Approved Areas are to be submitted to the Chancellor's Chief of Staff.

3.4. Alcoholic beverages may be possessed and consumed if served by professional bartenders, as referenced above, at University-approved special events held by the University or University Associated Entities at the following locations

3.4.1. East Campus Locations

3.4.1.1. Spilman Building (Lobby and conference rooms only)

3.4.1.2. Croatan (Green Room only)

3.4.1.3. Whichard Building (Lobby only)

3.4.1.4. Joyner Library (Lobby of Faulkner Gallery)

3.4.1.5. Howell Science Building (Lobby only)

3.4.1.6. Brewster Building (Lobby only)

3.4.1.7. Rivers Building (Lobby only)

3.4.1.8. Jenkins Fine Art Center (Lobby and Gray Gallery only)

3.4.1.9. Science and Technology (1st, 2nd, 3rd, and 4th floor lobbies)

3.4.1.10. Rawl Annex (Faculty Senate office only)

3.4.1.11. Willis Building (multipurpose room and lobby only)

3.4.1.12. ECU Mall (at formally approved ECU Alumni Association events only)

3.4.1.13. Greenville Centre (Room 1200)

3.4.1.14. Ballard West (The Sounds/Belk Plaza)

3.4.1.15. Wright Auditorium (Lobby)

3.4.1.16. Main Campus Student Center (all non-public areas as well as Student Center Art Galleries and 3rd Floor Outdoor Deck)

3.4.1.17. Life Sciences & Biotechnology Building (4th floor balcony)

3.4.2. West Campus Locations

3.4.2.1. Brody School of Medicine (2 West rooms only)

3.4.2.2. Brody School of Medicine-Commons

3.4.2.3. Ross Hall (2nd Floor Rotunda and Conference room 3001; rooms 4001 and 4100)

3.4.2.4. East Carolina Heart Institute (Lobby, Conference Rooms A-D only)

3.4.2.5. Family Medicine Building (conference room)

3.4.2.6. Health Sciences Campus Student Center (all non-public areas as well as 2nd Floor Student Center Art Gallery and the 3rd Floor Beacon Lounge)

3.4.2.7. Health Sciences Building

3.4.2.7.1. College of Nursing (Lobby; Room 4300)

3.4.2.7.2. Laupus Library (2nd floor Donor Wall/Reference Floor; 4th floor-Gallery)

3.4.2.7.3. College of Allied Health (Lobby and Conference Room 4415)

3.4.3. Other

3.4.3.1. Chancellor's Residence

3.4.3.2. Instructional classrooms where the subject matter of the curriculum of a course listed in a University Catalog is related to alcoholic beverages (e.g., zymology, viticulture and/or oenology, food and beverage science, nutrition, etc.); provided, however, the possession and consumption of alcoholic beverages in a classroom setting must be approved in advance in writing by the Dean or Director of the academic unit, as applicable, and must comport to the highest industry standards of instructional practice (e.g., the use of spittoons for wine tasting, etc.).

3.4.3.3. Coastal Studies Institute, Wanchese, NC (Lobby and Conference Room(s) only)

Policy: REG09.35.02

Title: Athletics Drug Education Screening, Counseling, and Testing Program

Category Intercollegiate Athletics

Sub-category Compliance

Authority Chancellor

History: Approved by the Chancellor and the Board of Trustees, effective September 27, 1996; revised July 23, 2009; revised July 28, 2017; revised February 28, 2018; revised August 9, 2019. Reviewed July 2022, no changes needed.

Contact: Senior Associate Athletics Director for Student Services, (252) 737-4603

1. Introduction

1.1 Purpose Statement

This Regulation and the Drug Education, Screening, Counseling, and Testing Program (“the Program”) are specially designed for the members of our intercollegiate athletic teams, cheerleading teams, and dance team. It is based on the premise that drugs and athletics do not mix. Many drugs, when used in conjunction with athletic activities or physical conditioning programs, can pose serious risks to the health of the athlete and may endanger other persons in contact with the drug user. Symptoms of illness, temporary or permanent injury, and even death can be caused by such drug use. Further, the use of certain drugs may improve some types of athletic performance, and thereby create an unfair competitive advantage for the person using them. Such uses of drugs violate the basic principles of sportsmanship. Additionally, intercollegiate athletes frequently become highly publicized role models and the abuse of drugs can negatively influence other young people, as well as damage the reputation of the institution.

1.2 Amendment

East Carolina University (“ECU”) may amend this Regulation at any time.

1.3 Applicability

1.3.1 The Program is separate and distinct from the NCAA drug testing program, but ECU will count a positive test administered by the NCAA as a positive test result in the Program.

1.3.2 For the purposes of this Regulation, a student-athlete is defined as anyone currently listed as active on a team’s roster or who is receiving athletic financial aid such as a medical non-counter or post-participation aid recipient.

1.3.3 All student-athlete participants in ECU intercollegiate athletic programs, dance, and cheerleading teams must comply with the terms of this program on drug education, screening, and counseling. Accordingly, all student-athletes must read these requirements carefully, and at least annually provide written acknowledgment on the

Drug Education, Screening, and Counseling Program Consent Form (“DESC Program Consent Form”). A student who fails to sign the consent form will not be permitted to participate in university intercollegiate athletic programs.

2. Basic Program Goals

It is the intent of this drug education, screening, and counseling program to (1) deter the use of drugs or prohibited substances; (2) to assist in identifying the athlete who uses prohibited substances through a screening program based on periodic testing; (3) to promote an education program that informs student-athletes about substance abuse; (4) to assist in the rehabilitation of student-athletes found to be misusing prohibited substances; and (5) in appropriate cases, to remove any student-athlete from ECU’s athletic programs who is found to have violated the requirements of this Regulation.

3. Educational Program

An important part of this program is an ongoing educational effort designed to help student-athletes avoid any involvement in prohibited substances. Each member of every athletic team shall participate in prescribed drug education activities, in addition to any other alcohol and other drug prevention activities that all ECU students receive as part of their student experience. University staff members will encourage all student-athletes to ask questions about the Drug Education Screening and Counseling Program. Staff members will honor an athlete’s request that his or her questions be answered in private. Team meetings will be held to emphasize the Program’s objectives and to reiterate the actions that athletes must take to comply with this Regulation.

4. Prohibited Substances

A student, during the period of his or her eligibility to participate in intercollegiate athletics, may not use the substances specified in Appendix A to this Regulation. If an otherwise prohibited drug is being used pursuant to a lawfully issued prescription under the supervision and authority of a licensed physician or other medical professional authorized to provide medical prescription, the student may continue to participate in athletics if the athlete meets the requirements as set forth by the NCAA concerning medical exceptions to impermissible drug use and if the student-athlete notifies the team physician of such fact, including the name of the prescribing physician. The requirements related to medical exceptions to impermissible drug use are available on the NCAA website, linked above in Additional References.

5. Safe Harbor Provision for Tests Outside the NCAA Testing Program

5.1 Any student-athlete may seek assistance for a substance abuse problem at any time by contacting his or her coach, a departmental staff member, sports medicine, life skills, a student development employee, or a representative of the ECU Division of Student Affairs. Voluntary use of available assistance before the occurrence of any positive drug test and before imposition of any sanction under this Regulation shall not be considered, standing alone, as reasonable cause for testing.

5.2 If a student-athlete has not had a positive test result at any time in a drug testing program administered by or through ECU Athletics or the NCAA, including but not limited to the Program provided by this Regulation, and if the student athlete signs and complies with a performance contract (see Appendix G) approved and signed by the Director or Athletics or his designee in connection with the student athlete’s participation in substance abuse counseling, then the student athlete shall not be tested as part of the Program under this Regulation until at least

30 days after counseling provided for in the safe harbor contract has begun, except if and under the terms that earlier testing may be provided for in such safe harbor contract.

5.2.1 The safe harbor contract specifies expectations for the student-athlete's behavior, detailing the consequences of an additional positive drug test, while setting forth any additional requirements, which may include community service or study hall hours.

5.2.2 The exemption from testing provided under this Section and any corresponding safe harbor contract may only be provided to a student-athlete once during the student-athlete's enrollment at ECU.

5.2.3 Following the 30-day exemption from testing, and as provided for in any safe harbor contract, the student-athlete shall be eligible for any regular testing provided under this Regulation.

5.3 Notwithstanding anything to the contrary in this Regulation, this Safe Harbor section does not prevent a student-athlete from being required to participate in any NCAA test and from being held responsible by the NCAA and by ECU within the Program for any positive test result from an NCAA test.

5.4 In order for this Section 5 to be applicable, the request for assistance must be made by the student-athlete prior to notification of a test or series of tests. Additionally, after a student-athlete receives a positive test result or is subject to any sanction under this Program or any drug-testing program that may have been implemented by ECU Athletics prior to adoption or amendment of the Regulation, this Safe Harbor Provision shall not apply and nothing in this Section 5 will preclude ECU from testing a student-athlete or prevent the imposition of sanctions or operation of any other procedures under this Regulation.

6. Screening Program

6.1 It is a condition of participation that a student-athlete must agree annually to submit to any tests prescribed by East Carolina University and must provide written acknowledgment annually on the DESC Program Consent Form (as it may be amended).

6.2 The basic test generally used for drug screening is a direct observation urinalysis to reveal the use of any of the substances listed in Appendix A. However, other types of tests may be utilized from time to time in order to determine the presence of drugs listed in Appendix A. All testing will be done in accordance with the procedures outlined in Appendix E.

6.3 When tests will be administered:

6.3.1 Unannounced random testing- All enrolled student-athletes are subject to periodic, unannounced-random testing, regardless of their competitive season. Specifically, on various occasions during the calendar year, a percentage of the members of each team will be selected, at random, to be tested. The selection of individuals will be made through a random drawing of names from the team roster by the Sr. Associate Director of Athletics for Student Services or designee.

6.3.2 Testing in response to individualized suspicion

A student-athlete may be subject to testing at any time when, in the judgment of the Director of Athletics, in consultation with other campus officials as appropriate, there is reasonable cause to suspect the student is engaged in the use of any of the drugs prohibited by this Regulation. Reasonable cause exists if a reasonable person unfamiliar with the student-athlete or the athletics program would conclude, based on the available

information, that there is a basis for the suspicion that the student-athlete is using (or used during a relevant period) a prohibited substance. Such individualized reasonable suspicion may be based on information from any source deemed reliable by the Director of Athletics or his/her designee, including, but not limited to: (1) observed possession or use of substances that reasonably appear to be drugs of the type prohibited; (2) citation for any possible drug or alcohol offense in violation of the ECU Code of Conduct; (3) arrest or conviction for a criminal offense related to the possession, use or trafficking in drugs of the type prohibited; or (4) observed abnormal appearance, conduct or behavior, including unusual patterns of absence from training, competition, classes or other academic requirements reasonably interpretable as being caused by the use of drugs of the type prohibited; or (5) failure to comply with a student athlete's performance contract established in conjunction with a voluntary substance abuse counseling program approved in writing by the Director of Athletics or his/her designee. However, a student-athlete's request for assistance with a substance abuse problem shall not be a basis for individualized reasonable suspicion or otherwise, standing alone, subject a student-athlete to testing. Additionally, a student-athlete's disclosure of information related to a substance abuse problem to the team physician during any physical exam shall also not be a basis for individualized reasonable suspicion or otherwise, standing alone, subject a student-athlete to testing.

6.3.3 Post-season/Championship Screening

Any participant or team likely to advance to post-season championship competition may be subject to additional testing. Testing may be required of all team members or individual student-athletes at any time within thirty (30) days prior to the post-season competition. If a student-athlete tests positive, he or she may not be allowed to compete at the post-season event and will be subject to the sanctions herein. If regular season games remain after the test results are received, game suspension penalties will be in accordance with Section 7 of this Regulation. Post-season games will be utilized to meet suspension requirements.

6.3.4 Re-entry Testing

A student-athlete who has had his or her eligibility to participate in intercollegiate sports suspended as the result of a drug and/or substance violation will be required to undergo re-entry testing after the substance abuse counselor involved in the student-athlete's case indicates that re-entry into the intercollegiate sports program is appropriate.

6.3.5 Pre-Season Screening

Student-athletes are subject to pre-season drug testing and may be notified of such by the Director of Athletics or designee at any time prior to the first competition. Pre-season screening includes summer school sessions.

6.3.6 Mandatory Testing following Positive Test Result

Follow-up testing will occur at each scheduled test for six months following a positive test for any cannabinoid or twelve months following a positive test for any other prohibited substance. If there are no additional positive tests during the respective six-month or twelve-month periods, the student-athlete will return to the random testing pool. Further, additional testing may also occur at any time during probation and the mandated counseling period. Any test which returns a positive result during the probationary or mandated counseling period will be evaluated by the team physician. If the team physician determines that interval substance abuse has occurred, the Director of Athletics will be notified, and this test will be considered an additional positive result.

6.3.7 Notification and reporting for collections

The preferred notification method for student-athletes selected for testing will be written notification (see Appendix C) by a member of the ECU Athletic Training staff no more than 24 hours prior to the test. If written notification is unable to be obtained, other acceptable methods of notification include direct contact or phone call by the athletic trainer or member of the coaching staff.

6.4 Consequences of failure to participate in or cooperate with the testing

The following actions by a student-athlete will be treated as a positive test result and the student-athlete will be suspended from Athletics participation at least until a sample is produced or until the student athlete complies and may be suspended for up to a year or subject to permanent loss of eligibility if the student-athlete fails to comply within a reasonable time.

6.4.1 Failure to execute the relevant required individual notification form (Appendix C); or 6.4.2 Failure to appear at the designated time and place for testing without approved excuse acceptable to the Director of Athletics;

6.4.3 Refusal to provide a sample or manipulation of a sample to alter the integrity and/or validity of the sample; or

6.4.4 Refusal to provide saliva with use of an oral swab as directed after the student-athlete fails after three attempts to produce a required urine specimen. Eligibility to participate in intercollegiate athletics may be canceled if an athlete fails to produce a specimen. The procedures prescribed in Section 8 apply to such a cancellation.

7. Consequences of Impermissible Drug Use

When prohibited substance use has been verified through positive test results or when an equivalent determination is made as a result of a student-athlete's failure to cooperate or comply with the Program, the following shall apply: the team physician will notify the Director of Athletics or designee of the positive drug test. The Director of Athletics or designee will notify the student-athlete's head coach and sport administrator, who will in turn notify the student-athlete.

The minimum consequences specified below shall apply following (a) any positive result on a drug test administered pursuant to this Regulation, (b) any positive result on an NCAA-administered drug test, or (c) the occurrence of an event that is considered the equivalent of a positive test under Section 6.4 of this Regulation. The minimum consequences outlined below mandate the cancellation of ECU athletics eligibility upon the third positive test result for a prohibited substance. However, in situations where all the positive test results have been for a cannabinoid only, then cancellation of ECU athletics eligibility must occur upon the fourth positive test result.

In addition, a head coach has the authority to impose sanctions in addition to or more severe than those provided by this Section. Any rules or policies providing for additional or more severe penalties should be communicated clearly to the team and acknowledged by signature of the student-athlete and approved by the Director of Athletics prior to the beginning of each season.

7.1 First occasion:

7.1.1 Confidential meeting to evaluate the nature and extent of drug involvement

The student will be required to meet privately with the head coach and sport administrator to ascertain the facts about the nature, extent, and history of the problem. In eliciting information from the student, responses are to be oral, are not to be given under oath, and are to be revealed only to University officials, persons authorized by the student, and the parents or guardians of the student in accordance with the Family Educational Rights and Privacy Act of 1974 or otherwise applicable law. A student-athlete will be required to telephone his or her parents or guardians and inform them of the positive test in the presence of the head coach and sport administrator. If the parents or guardians cannot be reached by telephone, the head coach or his designee will take necessary steps to ensure that the parents or guardians are informed. No other persons or agencies will be given information except in response to a valid subpoena or court order or in compliance with other applicable law.

7.1.2 Probation

The student-athlete will be placed on Athletic Department probation for a period of one year. If at any time during probation the student-athlete is found responsible by the Office of Student Rights and Responsibilities for any violation of the ECU Student Code of Conduct, the student may be suspended for a period of time as determined by the Director of Athletics.

7.1.3 Mandatory Counseling and Rehabilitation

The student-athlete will be required to meet with the team physician to discuss the prohibited substance that caused the positive test. The student-athlete will also be required to meet with a substance abuse counselor at the ECU Center for Counseling and Student Development ("ECU CCSD") and sign appropriate consents for release of information to the team physician. The student-athlete will be required to undergo a Brief Alcohol Screening and Intervention for College Students (BASICS) Assessment. Based on results of the assessment, the student-athlete will be assigned BASICS I counseling, which may be either group or individual counseling. The nature and extent of counseling will be determined by the substance abuse counselor, and the counseling mandated under this section does not implicate the Section 5 or any of the safe harbor provisions of this Regulation.

The student-athlete may choose to receive the mandated counseling from an off-campus counselor or rehabilitation facility instead of the ECU CCSD. In such cases, any financial costs associated with such treatment will be the sole responsibility of the student-athlete. The student-athlete will be required to sign the appropriate consents for release of information from the off-campus counseling provider to the team physician.

The failure to attend a scheduled counseling session may result in additional penalties, as determined by the Director of Athletics.

7.1.4 Mandatory Testing

Follow-up testing will occur at each scheduled test for six months following a positive test for any cannabinoid and twelve months for any other prohibited substance. If there are no additional positive tests during the respective six-month or twelve-month periods, the student-athlete will return to the random testing pool. Further, additional testing may also occur at any time during probation and the mandated counseling period. Any test which returns a positive result during the probationary or mandated counseling period will be evaluated by the team physician. If the team physician determines that interval substance abuse has occurred, the Director of Athletics will be notified and this test will be considered an additional positive result.

7.1.5 Written notice

The Director of Athletics provides written notice of the positive drug screen and the applicable sanctions to the student-athlete and his/her parents or guardians, as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.2 Second Occasion:

7.2.1 Continuation of Sanctions

The sanctions imposed in Section 7.1 shall continue (and may be repeated) subject to any applicable procedures found in Section 8 of this Regulation.

7.2.2 Suspension

In addition to the procedure and sanctions imposed in Section 7.1 above, for any positive test result for cannabinoids after a first positive occurrence for cannabinoids, the student-athlete will be suspended from competition for 10% of the total scheduled contests of that sport. For any positive test result for any other prohibited substance after a previous positive occurrence, the student-athlete will be suspended for 20% of the total scheduled contests of that sport. Post-season games will be included to satisfy the suspended games total. Suspension from competition is effective immediately, regardless of any pending appeal pursuant to Section 8 of this Regulation, and the student-athlete may not participate in competitions until the student athlete's sanction is completed or an appeal under Section 8 is resolved in the student-athletes' favor.

During the suspension, as well as during the timeframe of an appeal, if challenged, the student-athlete may continue to participate in team related activities if deemed safe by the team physician and if approved by the head coach and the Director of Athletics. Student-athletes who are on rosters for multiple sports will serve their suspension during the season of the sport in which they are participating in at the time of the positive test. If the student-athlete is participating in multiple sports simultaneously, the suspension will be served for the sport in the championship segment. If there are insufficient competitions remaining to complete the suspension during the season in which the positive test occurred, the remaining percentage will carry over to the sport season immediately following. In cases where the percentage of maximum allowable contests does not equal a whole number, the number of games missed due to suspension will be rounded down.

7.2.3 Mandatory Counseling and Rehabilitation

The student-athlete will be required to meet with the team physician to discuss the prohibited substance that caused the positive test. The student-athlete will also be required to meet with a substance abuse counselor at ECU CCSD. The student-athlete will repeat the BASICS Assessment and be assigned BASICS II counseling. The nature and extent of counseling will be determined by the substance abuse counselor.

The student-athlete may choose to receive the mandated counseling from an off-campus counselor or rehabilitation facility instead of the ECU CCSD. In such cases, any financial costs associated with such treatment will be the sole responsibility of the student-athlete and the assessment and counseling must be substantially similar to the assessment and counseling provided by CCSD in the preceding paragraph. The student-athlete will be required

to sign the appropriate consents for release of information from the off-campus counseling provider to the team physician.

The failure to attend a scheduled counseling session may result in additional penalties, as determined by the Director of Athletics.

7.2.4 Written Notice

The Director of Athletics provides written notice of the second occasion of a positive drug screen and any applicable sanctions to the student-athlete and his/her parents or guardians, as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.2.5 Meeting with Director of Athletics

The student-athlete will be required to meet with the Director of Athletics.

7.2.6 Prohibited Substances

The substance causing the second positive test does not need to be the same substance that caused the first positive test.

7.3 Third Occasion:

7.3.1 Continuation of Sanctions

The sanctions imposed in Section 7.1 and Section 7.2 shall continue (and may be repeated) subject to any applicable procedures found in Section 8 of this Regulation.

7.3.2 Cancellation of Eligibility (for non-cannabinoid prohibited substances)

On the occasion of a third positive screen where the positive result is for a non-cannabinoid prohibited substance or where any prior positive test result was for a non-cannabinoid prohibited substance, a student's athletic eligibility at ECU will be canceled permanently, the student will not be eligible for renewal of any athletic scholarship at ECU, and an existing scholarship may be subject to cancellation. Any such cancellation may be imposed only in accordance with the procedures specified in Section 8, below, and after the conclusion of the time frame for appeal. Additionally, when a sanction under this policy involves the loss of grant in aid, a student athlete may appeal that decision to the Faculty Senate Student Academic Appellate Committee, in accordance with the terms of his/her grant in aid agreement

7.3.3 Suspension (for cannabinoids only)

In addition to the procedure and sanctions imposed in Section 7.1 and 7.2 above, for any positive test result for cannabinoids where both prior positive test results were for cannabinoids, the student-athlete will be suspended from competition for 20% of the total scheduled contests of that sport. Post-season games will be included to satisfy the suspended games total. Suspension from competition is effective immediately, regardless of any pending appeal pursuant to Section 8 of this Regulation, and the student-athlete may not participate in competitions until the student athlete's sanction is completed or an appeal under Section 8 is resolved in the student-athletes' favor.

During the suspension, as well as during the time frame of an appeal, if challenged, the student-athlete may continue to participate in team related activities if deemed safe by the team physician and if approved by the head coach and the Director of Athletics. Student-athletes who are on rosters for multiple sports will serve their suspension during the season of the sport in which they are participating in at the time of the positive test. If the student-athlete is participating in multiple sports simultaneously, the suspension will be served for the sport in the championship segment. If there are insufficient competitions remaining to complete the suspension during the season in which the positive test occurred, the remaining percentage will carry over to the sport season immediately following. In cases where the percentage of maximum allowable contests does not equal a whole number, the number of games missed due to suspension will be rounded down.

7.3.4 Counseling and Rehabilitation (for cannabinoids only)

The student-athlete will be required to meet with the team physician to discuss the prohibited substance that caused the positive test. The student-athlete will also be required to meet with a substance abuse counselor at ECU CCSD. The student-athlete will repeat the BASICS Assessment and be assigned on-going individual counseling. The nature and extent of counseling will be determined by the substance abuse counselor.

The student-athlete may choose to receive the mandated counseling from an off-campus counselor or rehabilitation facility instead of the ECU CCSD. In such cases, any financial costs associated with such treatment will be the sole responsibility of the student-athlete and the assessment and counseling must be substantially similar to the assessment and counseling provided by CCSD in the preceding paragraph. The student-athlete will be required to sign the appropriate consents for release of information from the off-campus counseling provider to the team physician.

A student whose eligibility has been canceled may seek assistance from established University counseling and medical resources otherwise available to students incident to their enrollment at East Carolina University. Such services will not be initiated or supervised by the Athletic Department, since the student's affiliation with the athletic programs of the institution will have ended. Any costs associated with counseling will be the sole responsibility of the student-athlete.

The failure to attend a scheduled counseling session may result in additional penalties, as determined by the Director of Athletics.

7.3.5 Written Notice

The Director of Athletics provides written notice of the third occasion of a positive drug screen and the applicable sanctions to the student-athlete and his/her parents or guardians as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.3.6 Meeting with Director of Athletics

The student-athlete will be required to meet with the Director of Athletics.

7.3.7 Prohibited Substances

The substance causing the third positive test does not need to be the substance that caused either of the two preceding positive tests.

7.4 Fourth Occasion (for cannabinoids only)

7.4.1 Continuation of Sanctions

The sanctions imposed in Section 7.1, Section 7.2 and Section 7.3 shall continue (and may be repeated) subject to any applicable procedures found in Section 8 of this Regulation

7.4.2 Cancellation of Eligibility

On the occasion of a fourth positive screen for cannabinoids, a student's athletic eligibility at ECU will be canceled permanently, the student will not be eligible for renewal of any athletic scholarship at ECU, and an existing scholarship may be subject to cancellation. Any such cancellation may be imposed only in accordance with the procedures specified in Section 8, below, and after the conclusion of the time frame for appeal. Additionally, when a sanction under this policy involves the loss of grant in aid, a student athlete may appeal that decision to the Faculty Senate Student Academic Appellate Committee, in accordance with the terms of his/her grant in aid agreement.

7.4.3 Written Notice

The Director of Athletics provides written notice of the fourth occasion of a positive drug screen for cannabinoids and the applicable sanctions to the student-athlete and his/her parents or guardians as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.4.4 Counseling and Rehabilitation

A student whose eligibility has been canceled may seek assistance from established University counseling and medical resources otherwise available to students incident to their enrollment at East Carolina University. Such services will not be initiated or supervised by the Athletic Department, since the student's affiliation with the athletic programs of the institution will have ended. Any costs associated with counseling will be the sole responsibility of the student-athlete.

7.4.5 Prohibited Substances

The substance causing the fourth positive test does not need to be the substance that caused any of the three preceding positive tests.

8. Procedures for Imposing Serious Sanctions

Sections 6 and 7 of this Regulation provide notice of circumstances under which penalties, including continued suspension from competitions or cancellation of eligibility to participate in intercollegiate athletic activities, may be imposed in connection with alleged use of impermissible substances and compliance or cooperation with the DESC Program. Sanctions may be imposed only in accordance with the procedures prescribed in this Section.

8.1 Participation in Team Activities during Appeal

Contingent on approval of the head coach and Director of Athletics, for occurrences of a second, third, or fourth positive test result as set out above, the student-athlete may continue to participate in team activities only, other than competitions, until a final decision is reached following notice of an appeal. The student-athlete may not participate in competitions until the assigned sanction is completed or the appeal has been decided and resolved in

the student-athletes' favor. In all cases, the number of competitive events missed during the appeal will be counted toward the total suspension amount required by the established sanction.

8.2 Immediate Administrative Action

8.2.1 The Department of Athletics, in conjunction with appropriate University administrators, may take interim action to suspend a student-athlete in order to preserve the safety and well-being of the student-athlete, ECU community and its members.

8.2.2 Administrative suspension from all activities, including both competition and team activities, becomes effective immediately, pending a medical determination as to the fitness of the athlete to resume participation in athletic activities, whenever there is information that the continued participation by the student athlete poses a substantial threat. A substantial threat might include, but is not limited to, a preliminary determination of improper drug use threatens the health of the athlete, other participants in athletics, or other members of the institutional community, all athletic participation (training, practice, and competition). This determination is designed to protect the health and safety of the student-athletes or other members of the community.

8.2.3 Information supplied by the student to medical personnel incident to making such a determination shall not be admissible in the appeal processes under this Regulation or in any institutional disciplinary process.

8.2.4 If the circumstances permit, a representative of the Department of Athletics will meet with the student athlete to be placed on administrative suspension to explain the basis for the administrative action and to give the student athlete an opportunity to respond. A student athlete on administrative suspension has a right to appeal this administrative action within three (3) days to the Director of Athletics.

8.2.5 In order for an administrative suspension to be modified prior to the conclusion of medical determination as to fitness, the student must show that the action was arbitrary or capricious, there was a procedural error, or that there is substantial new information mitigating the situation. An appeal will review (1) the reliability of the information; (2) whether or not the conduct and surrounding circumstances reasonably indicate that the continued presence of the student-athlete poses a substantial threat to others, to property, or to the stability and continuance of normal University functions; and/or (3) whether or not the student has complied with the directives of the Director of Athletics placing the student on administrative suspension.

8.3 Request for Appeal

A student-athlete may obtain a hearing by addressing a request in writing to the Director of Athletics within five (5) working days after receiving the written notice referred to in paragraph 1, above. The written request should state the basis or rationale for the student-athlete's appeal. The failure of the student-athlete to request an appeal in writing within five (5) working days following his or her receipt of the written notice will be considered a waiver of the appeal. In the alternative, following receipt of written notice, the student may signify in writing his or her intention not to request a hearing, and the proposed sanctions may be imposed immediately, without recourse to any institutional grievance or appeals process. For appeals arising from second, or third, or fourth positive test occurrences, the student shall remain on suspension from all competitive activities until the conclusion of the appeal.

8.4 Hearing:

8.4.1 Hearing committee:

If an affected student athlete appeals and requests a hearing, it shall be afforded before a standing committee consisting of the Dean of Students, the Director of SAH Disability Support, and the Faculty Athletics Representative, or their respective designees, who may carry out any of the duties assigned there appointing officer; no officer, employee, or agent of the Athletic Department shall be eligible to serve on such committee. The Dean of Students or designee will be the Chair of the committee and will direct the hearing process and make determinations about what information is relevant to the proceedings. The Chair is responsible for ensuring an orderly hearing and, therefore, may remove any person who, in her/his discretion, interferes with the work of the committee.

8.4.2 Scope of review

On appeal, there is a presumption that the original decision is correct. Accordingly, the scope of review is whether there is a reasonable basis to overturn the original decision. If there is no reasonable basis for the actual sanction or sanctions imposed, or if compelling mitigating circumstances are found to be present, the committee may recommend a lesser sanction.

8.4.3 Conduct of hearing:

8.4.3.1 The hearing shall be convened within ten (10) working days after it is requested.

8.4.3.2 The hearing shall be conducted in private, and only the members of the committee, the affected student and a support person of his or her choice, and the Athletic Director or his designee, accompanied by a support person of his or her choice, may attend. The Director of Athletics (or his/her designee) and the student-athlete may provide testimony, but a support person may not be a witness or speak at the hearing or otherwise actively participate in the hearing.

8.4.3.3 Witnesses who are present to give testimony may attend while providing testimony but shall not attend the entirety of the hearing.

8.4.3.4 In order for a person of the student athlete's choice to attend the hearing, the student must provide the Chair of the Committee with written notice and a FERPA Authorization. This hearing is not a disciplinary action as defined by N.C.G.S. § 116-40.11; therefore, although an attorney may serve as a support person, neither the Director of Athletics or designee nor the student-athlete may have an attorney actively participate at the hearing. (Attorney is defined as anyone with a Juris Doctorate, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the student athlete.)

8.4.3.5 The hearing will be audio recorded; however, recording quality problems and/or malfunctions will not invalidate or nullify any recommendation of the committee.

8.4.3.6 The Director of Athletics, or his designee, shall present evidence in support of the proposed sanction, suspension or cancellation. The affected student, accompanied by a person of his or her choice, may be present to hear and review all evidence presented in support of the proposed sanction, to challenge such evidence, and to

present other evidence in his or her own defense. Evidence may include witnesses, documents or other forms of evidence.

8.4.3.7 Upon request of the Chair, the Office of the University Counsel ("OUC") may designate any attorney to provide procedural advice to the Committee.

8.4.3.8 At least one (1) business day prior to the hearing, the parties shall exchange copies of exhibits and witness lists, and a sealed copy to the Chair for the Record, but in no case shall information be provided to the Committee prior to the hearing.

8.4.3.9 After hearing all such evidence as it deems relevant, the committee shall deliberate in private for the purpose of making findings of fact, as well as any recommendations about the sanction. The findings of fact shall be based exclusively on information supplied at the hearing.

8.4.4 Recommendation to the Vice Chancellor for Student Affairs

Within three (3) working days after it concludes its inquiry, unless circumstances otherwise require additional time, the committee shall report its conclusions concerning the facts, as well as any recommendations concerning the sanctions imposed, to the Vice Chancellor for Student Affairs.

The Vice Chancellor for Student Affairs shall decide what sanction, if any, shall be imposed, consistent with the provisions of this Regulation. If the Vice Chancellor for Student Affairs finds there was insufficient evidence, then the drug test giving rise to the incident will not be considered a positive test for purposes of this Policy. The decision of the Vice Chancellor for Student Affairs will be final, and shall be communicated to the parties by the office of the Vice Chancellor within ten (10) working days of the recommendation from the hearing committee.

9. General Procedures

9.1 Application to Violations of other Departmental or University Policy

9.1.1 The Department of Athletics has the right, at any time, to terminate the student-athlete's privilege to participate on a team for reasons other than a violation of this Regulation, including, but not limited to, violations of other university, departmental, or team policies.

9.1.2 If a student-athlete violates any university, departmental, or team policy or rule other than this Regulation and such violation occurs in conjunction with an alleged violation of this Regulation, the other violation(s) may be addressed under such other policies or rules and may result in termination of a student-athlete's privilege to participate on a team and to receive benefits dependent upon team participation; in such an event, the alleged violation of other policies or rules is not subject to the procedures set forth in this Regulation.

9.2 Return to Roster

In cases where a student-athlete is removed from a team's roster prior to completing sanctions and then added back to the roster at a later date, those sanctions must be completed prior to return to competition. A student-athlete may not be removed from a roster in order to avoid completing sanctions.

9.3 Other Procedures Related to Grant-in-Aid

When a sanction under this Regulation involves the loss of grant in aid, a student-athlete may appeal that decision to the Faculty Senate Student Academic Appellate Committee, in accordance with the terms of his/her grant in aid agreement.

9.4 Reduction in Violations

If a student-athlete does not test positive for a cannabinoid for a period of six (6) months from the date of his/her last positive test for a cannabinoid, and complies with all corrective measures imposed, the student-athlete may have the number of violations reduced by one (i.e. from 2 down to 1, from 1 down to 0). If a student-athlete does not test positive for a prohibited substance other than a cannabinoid for a period of twelve months from the date of his/her last positive test for a prohibited substance other than a cannabinoid, and complies with all corrective measures imposed, the student-athlete may have the number of violations reduced by one (i.e. from 2 down to 1, from 1 down to 0). No more than one reduction in violations may be provided to any student-athlete.

10. Confidentiality of Information Concerning Drug Use

10.1 Information concerning a student's alleged or confirmed improper use of drugs, solicited or received pursuant to implementation of this program, shall be restricted to institutional personnel and to parents or guardians of student-athletes. For student-athletes over the age of 21, information will be provided to the parents and/or guardians only on the basis of written consent by the student-athlete. No other release of such information will be made without the student's written consent, except as allowed by applicable law. The institution cannot guarantee that law enforcement or prosecutorial authorities will not gain access to information in the possession of the institution; however, the institution will not voluntarily disclose such information, in the absence of a court order or in accordance with FERPA or other applicable law.

10.2 Notwithstanding this or any other provision of this Regulation, the University reserves the right to disclose information in accordance with a health and safety emergency as defined in 34 CFR §§ 99.31(a)(10) and 99.36.

11. Improper Provision of Drugs by Institutional Personnel

11.1 No officer, employee, or agent of East Carolina University may supply to any student-athlete any drug that may endanger an athlete or affect athletic ability or performance, or otherwise encourage or induce any student improperly to use drugs, except as specific drugs may be prescribed by qualified medical personnel for the treatment of individual students. Any person who has information about a possible violation of this prohibition should report such information promptly to any athletics administrator. Any athletics administrator who receives, directly or indirectly, such a report must ensure that the director of athletics, the chancellor, or a vice chancellor with supervisory responsibility for the officer, employee, or agent reported as supplying such drugs or encouraging or inducing such improper use of drugs is informed so that an appropriate investigation can be conducted and, if necessary, disciplinary action can be taken in accordance with established policy.

Campus Living Contract Policy Violations (excerpt from Campus Living Housing Agreement)

1.0 Campus Living Agreement, General Terms and Conditions Residents of the Campus Living Housing Agreement are bound to the terms of the Agreement. It is the student's responsibility to become familiar with all provisions of the Contract and abide by all applicable University policies, regulations, and rules, including those found in the Campus Living Resident Handbook. The University reserves the right, through appropriate authorities and at all times, to change its policies as necessary to maximize the achievement of the University's goals. The University may, at its discretion, terminate the Campus Living Agreement for relevant reasons, including when the University has reasonable cause to believe that a resident presents a risk to the interest, order, health, safety, or general well-being of the residential community. For more information, please visit campusliving.ecu.edu and navigate to Current Students and Contracts and Forms.

1.1 Alcohol Paraphernalia and Rapid Consumption Items: Empty, full, or keepsake bottles or cans of alcohol are prohibited in the rooms of underage students. Additionally, items that promote the rapid consumption of food or beverages, such as beer bong, soda guzzlers, water pong tables and other like items are prohibited. Students over the legal age for alcohol possession must label their alcohol containers.

1.13 Smoking in or around the Residence Halls/Tobacco Use: Smoking in the residence hall or within 100 feet of the residence hall is prohibited. This includes but is not limited to porches, balconies, courtyards (such as the Scott Courtyard), and breezeways. This policy will also be enforced in the event of inclement weather. Smoking includes cigarettes, pipes, hookahs, electronic cigarettes, electronic vaporizers, electronic hookahs, or any device that produces a vapor or smoke. Likewise, smokeless tobacco use is not permitted within 100 feet of the residence halls.

Student Code of Conduct

2.1. Alcohol: Illegally possessing, consuming, having consumed, and/or providing alcoholic beverages to those under the legal drinking age. Being intoxicated in public regardless of age.

2.2. Drugs, Drug Paraphernalia, and Other Controlled Substances: Possessing, using, distributing, buying, selling, facilitating a sale, delivering, manufacturing, and/or abusing illicit or illegally obtained substances. Misusing prescription or counterfeit drugs. Consuming, including huffing or sniffing, any substance not intended for such use. Possessing or using drug paraphernalia.

Policy and Procedures related to Manteo Community Housing, (a leased property located in Wanchese, NC for ECU'S Coastal Studies Institute)

RULE REGARDING POSSESSION/CONSUMPTION OF ALCOHOLIC BEVERAGES IS THE SAME AS DESCRIBED UNDER NORTH CAROLINA GENERAL STATUTE 18B-300, 301, 302. ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES

AND POSSESSION OF ILLEGAL DRUGS WILL RESULT IN IMMEDIATE DISMISSAL FROM GUEST HOUSE AND NOTIFICATION TO LAW ENFORCEMENT.

THE FOLLOWING WILL RESULT IN IMMEDIATE TERMINATION OF YOUR HOUSING PRIVILEGE:

- Violation of North Carolina General Statute 18B-300, 301, 302.
- Misconduct under the influence of Alcohol or otherwise.
- Common source containers of Alcohol such as kegs and beer balls shall not be permitted inside or on the grounds of the Friends Guest House.
- Illegal possession of Controlled Substances.
- Possession of Illegal Drugs.
- Abuse of Prescription or Non-Prescription Drugs.
- Use or storage of any type of Flammable Materials (FIREWORKS, FIRECRACKERS & LIKE excluding lighter fluid for grilling)

Student Admissions Safety Review

Version 2 (Current Version)

Policy REG11.30.03

Category: Student Affairs

Sub-category: Student Discipline

Authority: Chancellor

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1. Introduction. In accordance with the University of North Carolina Regulation on Student Applicant Background Checks (Section 700.5.1[R] of the UNC Policy Manual) and in an effort to create a safe campus environment, East Carolina University (ECU) examines each student application in accordance with this regulation. Only admission materials of academically qualified applicants will be reviewed under this regulation.

2. Nondiscrimination. In accordance with the ECU Notice of Nondiscrimination and Affirmative Action Policy, admission decisions will not be based on race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy-related conditions), sexual orientation, gender identity, age, disability, political affiliation, or veteran status.

3. **Background Checks that Apply to All Students.** Before any student matriculates, the Office of Undergraduate Admissions, the Graduate Admissions office, and the Office of International Affairs staff may conduct background checks through the North Carolina Department of Public Instruction Enrollment database, the University of North Carolina Suspension/Expulsion database, or the National Student Clearing House.

4. **Criminal Background Checks that Apply to Students Who Meet Certain Criteria.** Prior to Matriculation, East Carolina University will require criminal background checks if the application and supporting materials contains one or more of the following triggers (or red flags):

4.1. Materially inconsistent answers that have not been satisfactorily explained;

4.2. Omitted answers without an acceptable explanation for the omission;

4.3. An affirmative answer to any of the five campus safety questions:

4.3.1. Have you been convicted of a crime?

4.3.2. Have you entered a plea of guilty, a plea of no contest, a plea of nolo contendere, or an Alford plea, or have you received a deferred prosecution or prayer for judgment continued, to a criminal charge?

4.3.3. Have you otherwise accepted responsibility for the commission of a crime? Do you have any criminal charges pending against you?

4.3.4. Have you ever been expelled, dismissed, suspended, placed on probation, or otherwise subject to any disciplinary sanction by any school, college, or university (including East Carolina University)?

4.3.5. If you have ever served in the military, did you receive any type of discharge other than an honorable discharge?

4.5 Any unexplained time period(s) during which the applicant was not, for example, enrolled at an educational institution, enlisted in the military, or employed fulltime; or

4.6 Any other reason sufficient to East Carolina University, to include, but not limited to anonymous reports regarding an applicant's conduct.

4.7 All admission letters for applicants who are to have criminal background checks performed will state that the admission is conditional on the results of a criminal background check.

4.8 Applicants with any of the triggers referenced above will be requested to provide a criminal background check through Castlebranch.com or other state-approved background screening company. Castlebranch.com (or other state-approved background screening company) will secure permission to conduct the check using the applicant's social security number. Applicants will incur the costs of the criminal background check. Unjustified refusal to provide this permission or pay for the criminal background check may be grounds for denial of an application if any of the triggers referenced above have been detected.

4.8.1 The applicant will be required to disclose all locations where s/he has lived or gone to school outside of the state of North Carolina for more than six months during the last seven years. The scope of the criminal background check will depend on the residential history of the applicant:

4.8.2 For current North Carolina residents who do not report an absence from North Carolina for more than six months, a North Carolina criminal background check will be conducted.

4.8.3 For non-residents and North Carolina residents who disclose living outside of North Carolina for more than six months, a residence check will be conducted, and then a criminal background check will be conducted for all appropriate states unless the applicant opts for a national Federal Bureau of Investigation fingerprint check.

4.8.4 For international students, a criminal background check of appropriate scope may be conducted.

4.9 Applicants that are admitted within two weeks of the start of a semester, and that are subject to having a criminal background check, maybe conditionally admitted to East Carolina University pending the outcome of the review described in the regulation.

5. Review of Information from all Background Checks by the Dean of Students Office. If, as a result of information obtained pursuant to the background checks referenced in paragraphs 3 or 4 above, it is determined that an applicant has a positive criminal or disciplinary record, then the admission materials will be forwarded to the Dean of Students Office (DOS). DOS Office will:

5.1. Compare the results of the checks to the application and supplemental information supplied by the applicant. In addition, the DOS Student Services Specialist will consult the Office of Student Rights and Responsibilities to determine whether the applicant has a prior conduct history with East Carolina University, and any relevant information will be included in the review process. The DOS Student Services Specialist may request additional documentation of the incident(s) in question, including but not limited to: a detailed account of the circumstances of the situation; court documentation; and letters from previous educational institutions.

5.2. Once this material is provided, the DOS Student Services Specialist will review the materials.

5.3. If a discrepancy is detected, the DOS Student Services Specialist will request that an applicant submit a written explanation of the inconsistency or proof that the information gathered by East Carolina University is erroneous.

5.4. The DOS Student Services Specialist will also report information concerning drug convictions to Financial Aid for entry into the Banner Student Records System.

5.5. Based on the nature of any crime committed or other behavior disclosed, together with other available information, the DOS Student Services Specialist will make a determination as to whether the applicant will pose a significant threat to the safety of the East Carolina University community.

5.6. Each disciplinary history, including all relevant information collected by the University, will be reviewed in light of the following factors, which include but are not limited to: date of the offense; nature of the offense; number of offenses; severity of harm involved; mitigating or aggravating circumstances; sanctions or sentence imposed on the applicant; and completion of sanctions or sentence requirements.

5.7. Upon completion of the review, the DOS Student Services Specialist will:

5.7.1. Notify the appropriate admissions office that, based on the documentation provided, there is no suggestion that the applicant will pose a significant threat to the safety of the East Carolina University community;

5.7.2. Reject any application in which felony criminal charges for violent conduct are currently pending in a court of competent jurisdiction over the applicant; or

5.7.3. Refer the case to the Admissions Safety Committee for consideration.

6. Admissions Safety Committee. The Admissions Safety Committee is comprised of representatives from the following offices: the Office of Student Rights and Responsibilities, the (Undergraduate) Office of Admissions, the Graduate Admissions office, the ECU Police Department, the Dean of Students, the Enterprise Risk Manager, and the faculty. The Office of University Counsel will serve in an advisory capacity. The Center for Counseling and Student Development will serve in a consulting capacity. The Committee has the same investigative authority as the Dean of Students Office under this Regulation.

The DOS Student Services Specialist convenes the Committee and presents the case and relevant information regarding the applicant. Upon deliberation and consideration of all information, and using the standards set forth in section 5.6 of this regulation, the Committee will:

6.1. Decide that based upon the documentation provided, there is no suggestion that the applicant will pose a significant threat to the safety of the East Carolina University community and, as such, supports a recommendation of admission or

6.2. Decide that based upon the documentation provided, there is a suggestion that the applicant may pose a significant threat to the safety of the ECU community, and accordingly, denial of admission is recommended.

6.3. The decision of the Admissions Safety Committee is final and cannot be appealed.

7. Falsification.

7.1. It is presumed that admission will be denied or withdrawn if the applicant has failed to accurately disclose relevant information in response to a question on the application. The burden is on the applicant to demonstrate that the omission or misinformation was the result of an honest mistake, that it was not intended to mislead, and that the applicant should be admitted despite the failure to disclose.

7.2. Where East Carolina University identifies a potential instance of falsification, the applicant will be asked to provide the University with additional information, and be given notice regarding the allegation prior to being subject to dismissal, as stated in the undergraduate and graduate admissions catalogs.

8. Record Retention. Consistent with the applicable University records schedule, all materials are retained by the Dean of Students Office and/or the Office of Admissions. For applicants whose record shows a history of conviction of, guilty plea to, or acceptance of responsibility for a crime; a significant disciplinary sanction at another educational institution; or a serious military discipline record, the Dean of Students Office will maintain a record of the process used to determine whether the applicant posed a significant threat to the ECU community along with all documentation that was used as the basis for this determination.

8.1. If it is determined that an applicant be recommended for admission, but that his/her disciplinary information is relevant to the safety of the ECU community, or if an applicant is denied admission, a copy of the file will be provided to the Office of Student Rights and Responsibilities

Admissions Safety Committee Procedure

Applications are identified by the Student Services Specialist in the Dean of Students office as needing to be reviewed by the Admissions Safety Committee for many reasons.

These reasons include, but are not limited to:

1. The date and nature of a criminal or disciplinary offense and its/their severity (harm to self, others, and community);
2. The number of offenses;
3. Nexus between the offense and East Carolina University's safety interest;
4. The date of and the age of the applicant at the time of the commission of a crime or crimes;
5. The credibility/fullness of the explanation of the circumstances of a crime or crimes;
6. The applicant's personal circumstances at the time;
7. Sanctions and/or sentence compliance by the applicant;
8. Post crime activities, positions, and circumstances;
9. Other crimes/misconduct (traffic, juvenile) and other sanctions;
10. Rehabilitation;
11. Present situation, including present support system;
12. Professional opinion (if available, about future criminality); and
13. The answers, explanations, and descriptions given by the applicant.
14. False applications are usually identified in two ways: either one of the admissions offices identifies a potential falsified application; or the Campus Safety Review (CSR) Student Services Specialist identifies an Undergraduate or Graduate application that has discrepancies or has been falsified. The most frequent falsification on an application comes from an applicant saying 'no' to one of the campus safety questions, when they in fact have/had some type of criminal or school disciplinary action that was taken against them or they have a matter that is still pending.

Once the Dean of Students office Student Services Specialist identifies an undergraduate or graduate application that has met the criteria for being reviewed by the Admissions Safety Committee (ASC)

1. A file is created for applicants identified as needing to be reviewed by the ASC
 - A. An e-mail is sent to the applicant requesting that they complete a Criminal Background check (if applicable) or provide a copy of their disciplinary report from their school. The applicant must explain in a detailed written statement their affirmative answers to the campus safety questions and what has been found either on the North Carolina courts or Department of Public Safety websites or in school disciplinary records. Supporting documentation (i.e., court records, community service, counseling records) is requested in this e-mail and background check ordering instructions are included, if necessary.
 - B. In the case of falsification on an application, an e-mail is sent to the applicant requesting that they complete a Criminal Background check (if applicable) or provide a copy of their disciplinary report from their school. The applicant must explain in a detailed written statement why they failed to answer the campus safety questions appropriately and explain what has been found under their name either on the North Carolina courts or Department of Public Safety websites, or in their school disciplinary records. Supporting documents (i.e., court records, community service completion, education and counseling completion records) are requested in this e-mail and background check ordering instructions are included, if necessary.
 - C. The Office of Student Rights and Responsibilities is sent a judicial review check requesting a copy of any judicial records that are available for the applicant.

2. When all requested information has been provided by the applicant, a case file is distributed by the facilitator/Student Services Specialist to members of Admissions Safety Committee (ASC) through an e-mail that contains a corresponding Maxient case number for each applicant to be reviewed
 - A. The ASC meets regularly every two weeks and the applicant is notified of the meeting date
 - B. Applicants cannot appear before the ASC either in person or by telephone
 - C. Admissions Safety Committee meeting
 - i. The ASC is composed of: the Dean of Students, the Director of Undergraduate Admissions, a faculty representative, the Director of Graduate Admissions, an ECU

Police Department representative, and the Director of the Office of Student Rights and Responsibilities. The University Attorney's Office representative, along with the Director of the Center for Counseling and Student Development, serve in an advisory capacity. The Student Services Specialist for the Dean of Students Office serves as the facilitator for the committee.

ii. ASC members receive access to the application in Maxient for their review

iii. The applicant's version of the incidents and other supporting documentation are included (if provided by the applicant)

iv. The ASC members vote to recommend to either admit or deny the application for Dean of Students Office safety and falsification cases. In cases involving suspended students applying to return to ECU, the committee's decision is forwarded to the Vice Chancellor, Student Affairs for a final decision and a recommendation is sent to the appropriate admissions office.

D. The committee decides to:

i. Recommend to the Dean of Students office/Campus Safety Review and the respective Admissions office that the applicant be admitted to East Carolina University and move forward in the admission process, or

ii. Recommend to the respective Admissions office that the applicant's application be denied and that the applicant remain out of the admission process until:

a) A court case is decided, when the applicant may then reapply

b) A certain length of time has expired, then the applicant may reapply

c) A background check or other supporting documentation that has been requested, but not received, is completed/delivered

d) Other case specific criteria/requirements have been met (i.e., counseling)

E. The Admissions Safety Committee's decision is final - there can be no appeal.

3. The Dean of Students Student Services Specialist sends an e-mail to the respective Admissions office notifying them of the ASC's decision.

A. The Office of Admissions Office notifies undergraduate applicants of the committee's

decision. Graduate Admissions applicants portals are updated with the committee's decision in those cases.

B. A copy of the case file is kept electronically on the Pirate drive in the Dean of Students office, in Maxient and in Xtender for future Campus Safety Review reference.

C. All Admissions Safety Committee decisions are copied to Xtender and saved in the Dean of Students office Maxient database.

In cases where the Office of Student Rights and Responsibilities receives a request by a suspended student to return to ECU, the following must take place in order for the case to be reviewed by the Admissions Safety Committee (ASC):

1. Any suspended student that desires to return to ECU must submit a petition to the Office of Student Rights and Responsibilities.

2. To petition to return to ECU, the student needs to following the Petition to Return).

3. Following completion of the required items (completion of suspension period, all assigned sanctions, submission of a reflection paper, and clean background check), the student will submit all documentation to the Office of Student Rights and Responsibilities.

4. The Director of OSRR (or designee) will compile a file packet containing all of the requested materials provided by the petitioner, as outlined above. The Admissions Safety Committee members will be provided with information regarding the student's entire conduct history during their term of enrollment at ECU.

5. The ASC will use a standard rubric for evaluation of the student to assess whether the students petition is approved, denied, or pending (e.g., the student is required to complete assignments, as outlined by the committee, before further consideration is granted).

6. Once the ASC decision is made, the results are submitted to the Vice Chancellor Student Affairs as a recommendation.

7. The Vice Chancellor Student Affairs makes the final decision in all cases regarding a suspended student's petition to re-enroll.

8. Suspended students will be informed of the Vice Chancellor Student Affairs final decision via e-mail by the Office of Student Rights and Responsibilities.

****A hold will remain on a student's account until the petition has been approved by the Vice Chancellor for Student Affairs and the respective admissions office is notified of the decision.****

Policy REG11.30.02

Title: University Good Samaritan Regulation (GSR)

Category Student Affairs

Authority: Chancellor

History:

Approved May 28, 2014; revisions approved by Chancellors Executive Council October 17, 2022.

Contact: Associate Vice Chancellor for Student Affairs, 328-2092; Director, Office of Student Rights and Responsibilities, 328-6824; Assistant Director, Center for Counseling and Student Development, 328-6661.

1. Purpose

1.1. The purpose of the Good Samaritan Regulation ("Regulation" or "GSR") is to remove a potential barrier and facilitate access to emergency medical care in cases of alcohol and/or drug related medical emergencies. The goal is to increase the likelihood that a person needing medical assistance will receive this assistance by reducing the reluctance of students to seek out appropriate help due to fear of potential University consequences assigned by the Office of Student Rights and Responsibilities ("OSRR") to themselves or another person in need of assistance. The GSR applies to students in their individual capacity as well as registered/recognized student organizations and/or clubs.

1.2. The GSR is part of East Carolina University's comprehensive approach to reduce the harmful consequences caused by the use of alcohol and/or drugs. It is designed to promote responsible decision making when students

are faced with a potentially harmful, or deadly, alcohol and/or drug related medical situation. This regulation finds support in the ECU Creed which states: "I will be thoughtful and responsible in my words and actions" and "I will engage in purposeful citizenship by serving as a positive role model," and aligns well with the University's mission to help prepare future leaders by encouraging healthy, pro-active, civically responsible actions by our students in times of a crisis.

1.3. The minimum legal drinking age (MLDA) in the state of North Carolina is 21 years old. The use of all illicit drugs is illegal in NC. Nothing in this procedure should indicate that the University condones underage drinking or drug use. We are also cognizant, however, that many underage college students will choose to consume alcohol or use illicit drugs regardless of the MLDA or existing drug laws. With this choice comes the risk of very harmful consequences; research from the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism has long demonstrated that the misuse of alcohol is the number one health risk on U.S. college campuses. The increase of overdoses associated with illicit drug use continues to climb in the U.S. This GSR is designed to address this reality by reducing the risk of alcohol and/or drug-related harm for students via an increased likelihood of medical intervention. The regulation stipulates that individuals who are involved in an emergency situation are provided education, intervention opportunities and or counseling services related to alcohol and/or drug risk-reduction in order to reduce the likelihood of future occurrences. This could include options such as programs and services at the Center for Counseling and Student Development or at an off-campus agency recommended and supported by ECU.

2. Applicability of Good Samaritan Regulation

2.1. Subject to the provisions of this regulation, the ECU GSR may apply in the following situations:

2.1.1. When a student, acting in good faith and upon reasonable belief that they were the first to call for assistance, contacts ECU personnel or emergency services ("EMS") for medical assistance related to their own alcohol and/or drug use, and EMS responds and makes a medical assessment at the locale.

2.1.2. When a student calls for emergency assistance on behalf of another person experiencing an alcohol and/drug-related medical emergency and EMS responds and makes a medical assessment at the locale. The student shall use their own name when contacting authorities and shall remain with the person needing medical attention until help arrives.

2.1.3. When a student is named in an ECU Police Report, other Law Enforcement Agency Report, or Campus Incident Report/Citation as having been present and lending a helping hand during an alcohol and/or drug-related medical emergency and it is documented that emergency assistance was requested. Likewise, failure to call for medical assistance in an alcohol and/or drug related emergency may be considered an aggravating circumstance that may affect a conduct case resolution and/or result in student sanctions. This will be reviewed on a case-by-case basis.

2.2 The Good Samaritan Regulation does NOT apply to the following circumstances:

2.2.1 Law enforcement agencies within their jurisdictions enforcing federal, state, or local laws (however, state laws related to medical amnesty may apply); or

2.2.2 Students who are engaging in behaviors other than possession, consumption, or use of alcohol and/or drugs (including, but not limited to, driving under the influence, manufacturing/distribution/delivery of drugs, or possessing with intent to manufacture/distribute/deliver drugs.

2.2.2.1 This regulation does not apply to students who are engaging in sexual misconduct, relationship violence, stalking or other behaviors that would violate Title IX statutes.

2.3 Gathering Information and Documents

2.3.1 In a preliminary meeting with the student or registered/recognized organization, OSRR will gather information pertinent to the facts for determining the appropriateness of granting GSR amnesty. This meeting will consider the available facts and documentation, including, but not limited to, the following: Documentation verifying that EMS was called, responded, and rendered medical attention; Documentation of a visit to a hospital Emergency Department; A written report from a police department, other law enforcement entity, or Campus Living; Any record of the Blood Alcohol Level/Toxicology Report as determined by medical personnel or any other relevant information.

2.4 Procedures for case management

2.4.1 Students who receive or request on behalf of another person emergency medical attention related to the use of alcohol and/or drugs may be eligible to receive GSR amnesty. Such students should be referred to OSRR. OSRR will track each GSR amnesty request in order to maintain appropriate data and documentation. OSRR will document that the office has discussed, the potential for GSR amnesty with potentially qualified students or student organizations and/or clubs referred to it, explaining GSR and its usage, including a student or student organization's ability to utilize the amnesty under this regulation only once in an academic school year. Additionally, OSRR will provide such students with an informational Good Samaritan letter detailing the GSR regulation specifics.

3. Effect of GSR Amnesty

3.1. In the discretion of OSRR, if the student qualifies for amnesty under the GSR, OSRR will refrain from charging or sanctioning the student for one or more violations of the Student Code of Conduct related to alcohol and/or drugs. As a condition of receiving medical amnesty, students may be required to successfully complete a substance use assessment through the Center for Counseling and Student Development ("CCSD") or undergo such other educational activity or medical course of treatment as deemed appropriate by OSRR.

3.2. In compliance with the Family Educational Rights and Privacy Act ("FERPA") and University policies and regulations, OSRR will notify the parent(s) or legal guardian(s) of students under the age of 21 who receive GSR amnesty related to alcohol and/or drug violations under this regulation.

3.3. A student may be granted GSR amnesty no more than once per academic school year. Records of all known requests for assistance in medical emergencies shall be maintained by OSRR, as outlined in section 2.4, above. In the event a student who previously received medical amnesty is involved in a subsequent conduct-related incident, the existence of a previous receipt of medical amnesty, and the circumstances involved in the previous incident, may be taken into account by OSRR when considering sanctions in subsequent conduct-related incidents. A student

record of receiving GSR amnesty is not considered part of their student conduct record unless the student has subsequent or repeated violations related to alcohol and/or drugs.

4. Clubs/Organizations

4.1. Good Samaritan amnesty for a registered/recognized organization and/or club may be granted to the organization and/or club and/or individuals affiliated with that organization and/or club.

4.2. If a student representative of a university registered/recognized organization hosting an event seeks medical assistance in a medical emergency as described in section 2 above, then the club/organization may be eligible for GSR amnesty as it applies to individuals within the organization including leaders, and/or members.

4.3. Representatives from the organization and/or club may be required to meet with OSRR. Organizations and/or clubs and/or members qualifying for GSR amnesty under this regulation will not be charged or sanctioned for violations of the University's alcohol and/or drug-related policies.

4.4. As a condition of receiving medical amnesty, such organizations and/or clubs may be required to participate in or organize an appropriate educational program to be presented to the organization and/or club members or others and/or complete such other educational activity as deemed appropriate by OSRR.

4.5. Organizations and/or clubs may be granted GSR amnesty no more than once per academic school year.

4.6. While the act of responsibly calling for prompt medical attention in compliance with this regulation may mitigate OSRR sanctions against the organization and/or club resulting from alleged Code violations that may have occurred at the time of the incident, failure to call for medical assistance in alcohol and/or drug-related emergencies may be considered an aggravating circumstance that may affect a conduct case resolution, and/or result in increased sanctions.

5. Limitations

5.1. The GSR applies to alcohol and/or drug-related incidents that require emergency medical attention as described in this regulation.

5.2. This regulation does not apply to students or registered/recognized organizations and/or clubs who are engaging in behaviors other than possession, consumption, or use of alcohol and/or drugs (including, but not limited to, driving under the influence, manufacturing/distribution/delivery of drugs, or possessing with intent to manufacture/distribute/deliver drugs).

5.3. This regulation does not apply to students who are engaging in sexual misconduct, relationship violence, stalking or other behaviors that would violate Title IX statutes.

5.4. The GSR applies only to alcohol and/or drug Student Code of Conduct violations. If other prohibited conduct occurs, including, but not limited to, assault, theft, driving while impaired, property damage etc., the student(s)/organization and/or club will be held responsible by the University and OSRR for those violations.

5.5. Nothing in this regulation shall prevent an individual who has enforcement obligations under state or federal law to report, charge, or take other action related to the possible criminal prosecution of any student for their conduct.

NC Good Samaritan Law

SESSION LAW 2013-23, SENATE BILL 20

AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE; AND TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN ALCOHOL-RELATED OFFENSES COMMITTED BY PERSONS UNDER THE AGE OF 21 WHO SEEK MEDICAL ASSISTANCE FOR ANOTHER PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-96.2. Drug-related overdose treatment; limited immunity.

(a) As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires medical assistance.

(b) A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose shall not be prosecuted for (i) a misdemeanor violation of G.S. 90-95(a)(3), (ii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine, (iii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin, or (iv) a violation of G.S. 90-113.22 if the evidence for prosecution under those sections was obtained as a result of the person seeking medical assistance for the drug-related overdose.

(c) A person who experiences a drug-related overdose and is in need of medical assistance shall not be prosecuted for (i) a misdemeanor violation of G.S. 90-95(a)(3), (ii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine, (iii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin, or (iv) a violation of G.S. 90-113.22 if the evidence for prosecution under those sections was obtained as a result of the drug-related overdose and need for medical assistance.

(d) Nothing in this section shall be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes committed by a person who otherwise qualifies for limited immunity under this section."

SECTION 2. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:
 "§ 90-106.2. Treatment of overdose with opioid antagonist; immunity.

- (a) As used in this section, "opioid antagonist" means naloxone hydrochloride that is approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- (b) A practitioner acting in good faith and exercising reasonable care may directly or by standing order prescribe an opioid antagonist to (i) a person at risk of experiencing an opiate-related overdose or (ii) a family member, friend, or other person in a position to assist a person at risk of experiencing an opiate-related overdose.

As an indicator of good faith, the practitioner, prior to prescribing an opioid under this subsection, may require receipt of a written communication that provides a factual basis for a reasonable conclusion as to either of the following:

- (1) The person seeking the opioid antagonist is at risk of experiencing an opiate-related overdose.
- (2) The person other than the person who is at risk of experiencing an opiate-related overdose, and who is seeking the opioid antagonist, is in relation to the person at risk of experiencing an opiate-related overdose:
 - a. A family member, friend, or other person.
 - b. In the position to assist a person at risk of experiencing an opiate-related overdose.
 - c. A person who receives an opioid antagonist that was prescribed pursuant to subsection (b) of this section may administer an opioid antagonist to another person if (i) the person has a good faith belief that the other person is experiencing a drug-related overdose and (ii) the person exercises reasonable care in administering the drug to the other person. Evidence of the use of reasonable care in administering the drug shall include the receipt of basic instruction and information on how to administer the opioid antagonist.
 - d. All of the following individuals are immune from any civil or criminal liability for actions authorized by this section:
 - (1) Any practitioner who prescribes an opioid antagonist pursuant to subsection (b) of this section.
 - (2) Any person who administers an opioid antagonist pursuant to subsection (c) of this section."

SECTION 3. Chapter 18B of the General Statutes is amended by adding a new section to read:
 "§ 18B-302.2. Medical treatment; limited immunity.

Notwithstanding any other provision of law, a person under the age of 21 shall not be prosecuted for a violation of G.S. 18B-302 for the possession or consumption of alcoholic beverages if law enforcement, including campus safety police, became aware of the possession or consumption of alcohol by the person solely because the person was seeking medical assistance for another individual. This section shall apply if, when seeking medical assistance on behalf of another, the person did all of the following:

- (1) Acted in good faith, upon a reasonable belief that he or she was the first to call for assistance.
- (2) Used his or her own name when contacting authorities.
- (3) Remained with the individual needing medical assistance until help arrived."

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of April, 2013.

s/ Daniel J. Forest
 President of the Senate

s/ Thom Tillis
 Speaker of the House of Representatives
 s/ Pat McCrory
 Governor

§ 18B-302.2. Medical treatment; limited immunity.

(a) Limited Immunity for Samaritan. – Notwithstanding any other provision of law, a person under the age of 21 shall not be prosecuted for a violation of G.S. 18B-302 for the possession or consumption of alcoholic beverages if all of the following requirements and conditions are met:

(1) The person sought medical assistance for an individual experiencing an alcohol-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel.

(1a) The person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance.

(2) The person provided his or her own name to the 911 system or to a law enforcement officer upon arrival.

(3) Repealed by Session Laws 2015-94, s. 2, effective August 1, 2015, and applicable to offenses committed on or after that date.

(4) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(5) The evidence for prosecution of a violation of G.S. 18B-302 for the possession or consumption of alcoholic beverages was obtained as a result of the person seeking medical assistance for the alcohol-related overdose.

(b) Limited Immunity for Overdose Victim. – The immunity described in subsection (a) of this section shall extend to the person who needed medical assistance if the requirements in subdivisions (1), (1a), (4), and (5) of subsection (a) are satisfied.

(c) Probation or Release. – A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution under subsection (a) or (b) of this section. The arrest of a person for an offense for which subsection (a) or (b) of this section may provide the person with immunity will not itself be deemed to be a commission of a new criminal offense in violation of a condition of the person's pretrial release, condition of probation, or condition of parole or post-release.

(d) Civil Liability for Arrest or Charges. – In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the arrest or filing of charges. (2013-23, s. 3; 2015-94,

§ 90-96.2. Drug-related overdose treatment; limited immunity.

(a) As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires medical assistance.

(b) Limited Immunity for Samaritan. – A person shall not be prosecuted for any of the offenses listed in subsection (c3) of this section if all of the following requirements and conditions are met:

(1) The person sought medical assistance for an individual experiencing a drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel.

(2) The person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance.

(3) The person provided his or her own name to the 911 system or to a law enforcement officer upon arrival.

(4) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(5) The evidence for prosecution of the offenses listed in subsection (c3) of this section was obtained as a result of the person seeking medical assistance for the drug-related overdose.

(c) Limited Immunity for Overdose Victim. – The immunity described in subsection (b) of this section shall extend to the person who experienced the drug-related overdose if all of the requirements and conditions listed in subdivisions (1), (2), (4), and (5) of subsection (b) of this section are satisfied.

(c1) Probation or Release. – A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution under subsection (b) or (c) of this section. The arrest of a person for an offense for which subsection (b) or (c) of this section may provide the person with immunity will not itself be deemed to be a commission of a new criminal offense in violation of a condition of the person's pretrial release, condition of probation, or condition of parole or post-release.

(c2) Civil Liability for Arrest or Charges. – In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the arrest or filing of charges.

(c3) Covered Offenses. – A person shall have limited immunity from prosecution under subsections (b) and (c) of this section for only the following offenses:

(1) A misdemeanor violation of G.S. 90-95(a)(3).

(2) A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine.

(3) A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin.

(4) A violation of G.S. 90-113.22.

(d) Construction. – Nothing in this section shall be construed to do any of the following:

(1) Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of (i) other crimes committed by a person who otherwise qualifies for limited immunity under this section or (ii) any crimes G.S. 90-96.2 committed by a person who does not qualify for limited immunity under this section.

(2) Limit any seizure of evidence or contraband otherwise permitted by law.

(3) Limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation of, or to effectuate an arrest for, any offense other than an offense listed in subsection (c3) of this section.

(4) Limit or abridge the authority of a probation officer to conduct drug testing of persons on pretrial release, probation, or parole. (2013-23, s. 1; 2015-94,

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

S 1

SENATE BILL 458

Short Title: Good Samaritan Law. (Public)

Sponsors: Senators Hanig, Moffitt, and Adcock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2023

***S458-v-1* A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR CERTAIN ACTIONS TAKEN BY PERSONS SEEKING MEDICAL ASSISTANCE FOR OVERDOSES AND TO BROADEN LIMITED IMMUNITY FOR CERTAIN COVERED OFFENSES AND PERSONS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-96.2 is repealed.

SECTION 2. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read: "§ 90-96.3. Overdose treatment; limited immunity.

(a) Definitions. – The following definitions apply in this section:

(1) Covered crime. – An offense that qualifies for immunity as described in this section. Violations of the following offenses are covered crimes:

- a. G.S. 90-95.
- b. G.S. 90-95.1.
- c. G.S. 90-113.22.
- d. G.S. 90-113.23.
- e. G.S. 90-98 in connection with a covered crime.
- f. G.S. 90-108.
- g. G.S. 14-18.4.
- h. G.S. 18B-302.
- i. A nonviolent misdemeanor or nonviolent felony as defined in G.S. 15A-145.5(a).

(2) Overdose. – An acute medical condition, including mania, physical illness, or loss of consciousness, resulting in whole or in part from the consumption or use of a controlled substance or alcohol, or that a reasonable person would believe to be such a condition.

(3) Protected person. – Any person who (i) requests medical assistance for themselves or another person experiencing an overdose, (ii) is the subject of that request, or (iii) is at the scene of an overdose where medical assistance has been requested.

(b) Covered Crime Immunity. – A protected person shall not be arrested, charged, prosecuted, or subject to any criminal penalty for a violation of any covered crime, nor shall they be arrested or detained on an outstanding warrant for a covered crime, if either of the following conditions is met: General Assembly Of North Carolina Session 2023, Page 2 Senate Bill 458-First Edition

(1) The grounds for arrest, charge, prosecution, detention, or other penalty were obtained because of a request

for assistance for a person experiencing an overdose.

(2) The identity of the protected person is learned because of a request for assistance for an individual experiencing an overdose.

(c) Immunity from Other Violations. – A protected person is not in violation of the conditions of any restraining or protective order, pretrial release, probation, parole, or post-release supervision if either of the following conditions is met:

(1) The grounds for the violation are obtained because of a request for assistance for a person experiencing an overdose.

(2) The identity of the protected person is learned because of a request for medical assistance for an individual experiencing an overdose.

(d) Civil Liability for Arrest or Charges. – In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the arrest or filing of charges.

(e) Construction. – Nothing in this section shall be construed to do any of the following:

(1) Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of any offense other than a covered crime.

(2) Limit any seizure of evidence or contraband otherwise permitted by law.

(3) Limit or abridge the authority of a law enforcement officer to detain or take into custody a protected person in the course of an investigation of, or to effectuate an arrest for, any offense other than a covered crime. (f)

Mitigating Factors in Criminal Prosecution. – The court may consider the following as mitigating factors in a criminal prosecution of a protected person for which immunity is not provided by this section:

(1) The grounds for prosecution were obtained because of a request for assistance for a person experiencing an overdose.

(2) The identity of the protected person is learned because of a request for assistance for an individual experiencing an overdose."

SECTION 3. G.S. 14-18.4(f) reads as rewritten:

"(f) Samaritan Protection. – Nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under G.S. 90-96.2.G.S. 90-96.3."

SECTION 4. This act becomes effective October 1, 2023, and applies to acts or omissions on or after that date.

Policy REG11.30.01

ECU Student Conduct Process

Sub-category: Student Discipline

Authority: Chancellor

History:

Version 1: revised August 17, 2010 to be effective August 23, 2010; Version 2: revised and effective August 21, 2012; Version 3: revised December 2012 to be effective February 1, 2013; Version 4: revised and effective April 8, 2013; Version 5: revised and effective October 1, 2013; Version 6: revised and effective November 11, 2013; Version 7 & 8: revised and effective May 29, 2014; Version 9: revised November 11, 2014 to be effective January 1, 2015; Version 10: revised March 2016; Version 11: revised August 18, 2017; Version 12 (interim): revised February 19, 2018; Version 13 (interim): revised January 31, 2019; Version 14 (interim): revised August 29, 2019; Version 15 (interim): revised August 21, 2020; revised and effective June 20, 2022 after approval from Chancellor's Executive Council.

Contact

Director for the Office of Student Rights and Responsibilities, (252) 328 - 6824

1. Introduction

1.1. Purpose Statement

As an academic community, East Carolina University is dedicated to providing a safe and vibrant learning and working environment for all its members. Under Section 502 D of the Code of the Board of Governors of the University of North Carolina System, the Board of Governors and the President of the University of North Carolina System have delegated the responsibility to manage student conduct to the Chancellor of each constituent campus. ECU's Chancellor, in turn, charged the Vice Chancellor for Student Affairs with overseeing the student conduct process. The Office of Student Rights and Responsibilities and the Student Conduct Board have been created to assist in this effort.

1.1.1 The Student Conduct Process Regulation and supporting policies and procedures have been approved by the Chancellor and are based on input from students, faculty, and staff of East Carolina University. They are intended to aid in the fulfillment of ECU's mission and in securing the broadest range of freedom for each member of the community. These policies and procedures set behavioral standards that protect the health, safety, welfare, property, and human rights of all members of the community as well as the property of the University.

1.1.2. Additional behavioral standards are also set forth in the University's Title IX Compliance and Resolution Regulation - Interim ("Title IX Regulation") (which governs Title IX Conduct, and the University Regulation on Reports of Prohibited Interpersonal Violence and Related Misconduct. ("Misconduct").

If the conduct in question is such that the - Title IX Regulation or the Interpersonal Violence Regulation applies, each respective Regulation shall govern. This includes any conduct that might also violate paragraph 2.4 of this Regulation.

1.1.3. When a student with a disability is charged with an offense, the University will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

1.2. Office of Student Rights and Responsibilities

The Office of Student Rights and Responsibilities ("OSRR") administers the Student Conduct Process (referred to herein as the "Student Code of Conduct" or the "Code"). OSRR fosters student growth by promoting students' awareness and understanding of their rights and responsibilities as community members. It addresses student conduct and creates developmental learning opportunities in an effort to engage students in ethical decision-making. Any questions regarding the student conduct process should be directed to the Director of OSRR.

1.3. Scope of the Student Conduct Process

As members of the ECU community, students have the right to be treated with respect and consideration, have freedom of inquiry, and have reasonable use of services and facilities. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the United States Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

1.3.1. The Code pertains to anyone registered for an academic course at the University, including but not limited to, undergraduate and graduate students who are classified as degree or non-degree seeking, as well as visiting students, medical students, dental students, professional students, and students studying abroad. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. Upon acceptance of admission to ECU, each student agrees to abide by the policies of the University and to conduct her/himself on- and off-campus in a manner consistent with its educational mission. Students have a responsibility to review the Student Code of Conduct and other policies and to seek clarification if necessary from the OSRR. In addition, various academic units and administrative departments have policies specific to their area of responsibility. It is the responsibility of each student to be familiar with University policies and procedures. The Student Code of Conduct and related policies and procedures are available on-line. Printed copies are available in the OSRR upon request.

1.3.2. Students are subject to the Student Code of Conduct and related policies from the time they accept admission until they graduate from the University. This means that conduct occurring before classes begin, including New Student Orientation, or after classes end, during the academic year, and during periods between terms of enrollment is governed by this Code.

1.3.3. Recognized Student Organizations directly funded and advised by the University (e.g. councils and umbrella organizations) and Chartered Student Organizations affiliated with a national organization and/or department (e.g. fraternities, sororities, club sport teams, academic honor societies, or those chartered/registered with a national organization/office) are subject to the Student Code of Conduct. Registered Student Organizations are those consisting of any group of students formed with a common interest but not affiliated with the University except by location (e.g. the Chess Club at East Carolina University). Registered Student Organizations are not subject to the Student Code of Conduct. However, individuals within the organization remain subject to the Code as students enrolled at ECU. (For information regarding student organization categorization, please see Student Organization Registration Tiers under Additional References.)

Recognized and Chartered Student Organizations are subject to applicable accompanying policies and procedures accompanying this Regulation, including the standard operating procedure (SOP) entitled "Procedures for Reports Against Student Organizations". OSRR in consultation with the Office of University Counsel will periodically review and implement updates to the Procedures for Reports Against Student Organizations.

1.3.4. In addition to the consequences outlined in this regulation, students who represent units within the University community, such as medical students, dental students, graduate students, student athletes, resident advisors, student organization leaders, and residential students might be subject to additional behavioral consequences under the standards set by those units.

1.3.5. The Student Conduct Process regulation also applies to student behavior that violated University policies, but which was discovered after the student has left the University or has graduated. Depending on the circumstances of the case, degree revocation may be a consequence under applicable University policies.

1.4. Conduct Administrators and Hearing Advisors

1.4.1. The conduct administrator is a professional OSRR staff member who investigates all alleged violations of the Student Code of Conduct. In cases where possible sanctions do not include suspension or expulsion, the conduct administrator deters a student's responsibility and issues sanctions.

1.4.2. A Hearing advisor is the professional OSRR staff member who facilitates the hearing process.

2. Student Code of Conduct

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and to support the mission of the University. Such action may include taking disciplinary action as outlined in this Code against students for their on- and off-campus conduct. East Carolina University students shall refrain from the following behaviors:

2.1. Alcohol: Illegally possessing, consuming, having consumed, and/or providing alcoholic beverages to those under the legal drinking age. Being intoxicated in public regardless of age.

2.2. Drugs, Drug Paraphernalia, and Other Controlled Substances: Possessing, using, distributing, buying, selling, facilitating a sale, delivering, manufacturing, and/or abusing illicit or illegally obtained substances. Misusing prescription or counterfeit drugs. Consuming, including huffing or sniffing, any substance not intended for such use. Possessing or using drug paraphernalia.

2.3. Endangerment: Acting in a manner that could or did endanger or injure a person or the ECU community. Examples of endangerment include, but are not limited to, fighting, or operating a vehicle while under the influence of alcohol or drugs, and distributing drugs (on or off campus) to members of the University community.

2.3.1 Consideration may also be given as to whether the Respondent acted in self-defense, and, whether the amount of force used was reasonable under the circumstances. Self-Defense is defined as a justifiable action by a non-aggressor using reasonable force upon another person to enable oneself to get free from imminent physical harm.

2.3.2 Failing to take advantage of an opportunity to remove oneself from the situation may negate the claim of self-defense.

2.3.3 Actions consistent with appropriate self-defense may also be considered as a mitigating factor in consideration of potential sanctioning, if applicable.

2.4. Harassment, Threats, Bullying or Intimidation: Directing action toward a particular individual or group in a manner which is unwelcome, and under the totality of the circumstances, is so severe or pervasive, and objectively offensive that it undermines and/or detracts from the target individual's academic pursuits, participation in University-sponsored activities, or employment, effectively denying equal access to University resources and opportunities.

2.4.1. The objective standard is whether the conduct was directed at a specific person, group, or entity in a manner that would cause a reasonable person to fear for one's safety, the safety of others, or the loss of or damage to property or that is defamatory.

2.4.2. East Carolina University will also enforce the University of North Carolina System Policy 700.4.2, which states:

2.4.2.1 While on University premises or while participating in University sponsored activities, acting or in a way to unlawfully threaten, coerce, harass or intimidate another person or identifiable group of persons; or acting or speaking in a manner that is a violation of a constitutionally valid University Policy prohibiting harassment and/or discrimination on the basis of a protected class, including: race/ethnicity, color, religion, sex, sexual orientation, gender-identity, national origin, age, disability, genetic information, political affiliation, or veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service).

2.4.2.2. No student shall engage in unlawful harassment resulting in an environment determined to be hostile by a reasonable person. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria. It is:

- a. Directed toward a particular person or persons;
- b. Based in whole or in part upon any of the following protected statuses: disability, sexual orientation, race/ethnicity, age, sex, gender identity, color, veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service), gender identity, political affiliation, national origin, or religion;
- c. Unwelcome;
- d. Severe or pervasive;
- e. Objectively offensive; and
- f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

2.4.2.3. In determining whether student conduct violates these provisions (2.4.2.1. or 2.4.2.2.), all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. (Please see the Freedom of Expression regulation for more information.)

2.5. Hazing: Acting in a manner that would subject another student to physical injury or mental or emotional harm as part of an initiation, or as a criterion of initial or continued membership, into any organized University group, including any society, military groups, athletic team, fraternity or sorority, or other similar group. Planning or preparing to engage in hazing activity is also a violation of the Code. The expressed or implied consent of participants will not prevent disciplinary action. (For more information, see Procedures for Reports Against Student Organizations under Additional References.)

2.6. Weapons: Possessing, distributing, using, manufacturing, assembling, storing, transporting, selling, purchasing, or acquiring any weapons as defined in this Regulation on property owned or controlled by the University, including ECU vehicles is a violation of the Code, with the exception of a handgun possessed pursuant to a concealed handgun permit and stored according to law. Possessing, either on- or off-campus, any illegal weapons, including nuclear/biological/chemical weapons, or home-made weapons. This provision also applies to students on the way to and present at any off-campus curricular and extracurricular activity sponsored by the University. Illegally concealing any weapon is a violation of the Code.

2.6.1. Weapons include, but are not limited to, objects defined in the "Regulation Concerning Weapons on Campus". Examples of weapons are: guns, rifles, pistols, bb guns, air rifles, air pistols, paintball guns, crossbows, arrows, fireworks, dynamite, bombs, grenades, mines, powerful explosives, bullets or ammunition cartridges, nunchuks, slingshots, leaded canes, blackjacks, metallic knuckles, martial arts weapons, throwing stars, Kamas, axes, razor blades, ice picks, dirks, daggers, swords, bowie knives, switchblade knives, butterfly knives, other knives with blades three or more inches in length, tasers, and stun guns. (Please see the Regulation Concerning Weapons on Campus for more information)

2.6.2. Any item used or possessed for purposes of use as a weapon will be considered a weapon under this policy.

2.7. Disruptive Conduct: Being disruptive or disorderly in a manner that interferes with the function of the University or interferes with conduct of others, including law enforcement officers, who are on-campus or off-campus. Disruptive Conduct may include, but is not limited to, refusing or failing to submit appropriate identification or refusing to comply with a request from an identifiable University official acting on behalf of the University, violating University regulations or local, state, or federal orders in place to ensure the health and safety of the ECU community such as orders related to national pandemics or natural disasters, or the failure to abide by University policies, procedures, and any other requirements in place to help reduce the risk of contracting or spreading infectious diseases.

2.8. Theft: Stealing or attempting to steal property, including intellectual property, or services of any person or entity. Receiving, possessing, or selling/giving away such property when the student recognizes, or should have recognized, that the property was stolen. Selling books or helping sell books without the owner's permission is an example of theft.

2.9. Vandalism, Defacement, or Misuse of Property: Defacing, destroying, damaging, or misusing private, University, or other public properties.

2.10. Trespassing and Unauthorized Use of Property: Entering or using university facilities and/or the personal property of others without explicit permission. This includes but is not limited to, unauthorized access to residence halls, vehicles, stadiums and fields, as well as unauthorized possession, duplication, or use of the property of others or the University.

2.11. False Information, Forgery, and Fraud: Publishing and/or circulating false information that is harmful to others. Providing false information to the University, including, but not limited to, on an application required to participate in a University activity.

2.11.1. Altering, forging, or misusing documents or property which might include, but is not limited to, money, charge cards, checks, personal information, ECU One Cards, grade reports, transcripts, and parking tags. Possessing altered or forged documents or property, such as a fictitious driver's license. Deceitfully using the personal information of others.

2.12. Having Knowledge of or Assisting with a Violation: Having knowledge of, being present during, instigating, encouraging, or facilitating a violation of the Student Code of Conduct.

2.13. Gambling: Placing a bet or wager on an uncertain outcome for money or other items of value unless permitted by law.

2.14. **Hindering the University Conduct Process:** Coaching, intimidating, retaliating against, or otherwise influencing witnesses, Conduct Board members, conduct administrators, and other participants in the conduct process. Failing to provide the University with relevant information regarding a conduct case as a witness, except in instances where such failure would require a student to identify his/her own violation of the Code. Failing to abide by sanctions, including bans.

2.15. **Violation of University Policies:** Violating University policies including, but not limited to those listed in the related policy section of this regulations and the University Policy Manual. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the Student Code of Conduct and imposition of sanctions.

3. Sanctioning

3.1. **Sanctioning.** Violations of the Student Code of Conduct, will result in educational and/or disciplinary consequences called sanctions. Sanctions are designed with the intent of educating Respondents and protecting the ECU community. No sanctions will be enforced until all reviews have been exhausted with the exception of administrative actions taken to protect members of the ECU community. Each student who has been found responsible for violating the Student Code of Conduct shall be notified in writing of the appeal rights, including any applicable time constraints, as they pertain to her/his case.

Immediate Administrative Actions: The Office of Student Rights and Responsibilities, in conjunction with appropriate University administrators, may take interim action pending the resolution of a conduct case in order to preserve the safety and well-being of the ECU community and its members. These actions include, but are not limited to, counseling assessment and/or treatment, restriction of access or privileges, no-contact ban or removal from classes, and administrative suspension.

3.1.1. **Administrative suspension** is the immediate separation of the student from enrollment at the University. Administrative suspension becomes effective immediately whenever there is information that the continued presence of the student on University property poses a substantial threat. A substantial threat might include, but is not limited to, threatening the safety of any person, significantly harming or attempting to harm someone, threatening to cause or causing significant property damage, and interfering with the stability and continuance of University functions. The Director of OSRR will determine when a student poses a substantial threat to the University community.

3.1.2. OSRR will send notice to a student who has been placed on administrative suspension. A student on administrative suspension has a right to appeal this administrative action within five (5) calendar days of receipt of notice of the administrative suspension to the Dean of Students, or his/her designee. The student may submit any information he/she would like the Dean of Students to consider on appeal. While the Dean of Students is reviewing the appeal, the student shall remain on suspension.

3.1.3. In order for an administrative suspension to be modified, the student must show that the action was arbitrary or capricious, there was a procedural error, or that there is substantial new information mitigating the situation. The Dean of Students will review (1) the reliability of the information concerning the student's behavior; (2) whether or not the conduct and surrounding circumstances reasonably indicate that the continued presence of the student poses a substantial threat to others, to property, or to the stability and continuance of normal University functions; and/or (3) whether or not the student has complied with the directives of the conduct administrator placing the student on administrative suspension. The decision of the Dean of Students shall be final.

3.1.4. Students who are administratively suspended are entitled to participate in the ECU conduct process while separated from the University. (For information regarding student organization interim actions, please see Procedures for Reports Against Student Organizations under Additional References.)

3.2. Guidelines for Sanctioning. When determining sanctions, conduct administrators and members of the Student Conduct Board take into account the nature and seriousness of the violation, the impact of the violation on the community, the Respondent's past conduct history, as well as the Respondent's developmental needs, and mitigating or aggravating factors existing at the time of the offense, which may include, but are not limited to: past disciplinary record, the nature of the misconduct (i.e. the Respondent was acting under duress or a mental condition; played a minor role in the commission of the offense; knowingly exposed others to a significant risk; convinced others to participate due to a position of leadership, dominance, trust or confidence; or the offense involved weapons or was especially heinous), as well as other relevant information regarding the degree of any damage, injury, or harm resulting from it. Multiple sanctions may be imposed for one violation.

3.2.1. Violations of the Code that involve alcohol, drugs, weapons, hazing, substantial theft or fraud, physical harm to persons or property, sexual misconduct, HIPAA violations, other actions that materially or substantially interfere with or disrupt the protected free expression right of others or create a substantial risk of harm to others or the University, or an accumulation of multiple violations of the Code may result in suspension or expulsion from the University.

3.2.2. Determinations made or sanctions imposed under the Student Code of Conduct will not be subject to change solely because criminal charges arising from the same facts giving rise to a violation of the Code were dismissed, reduced or resolved in favor of or against the criminal law defendant.

3.2.3. The University reserves the right to enhance sanctions for violations which are believed to have been motivated based on the person's disability, sexual orientation, race/ethnicity, age, sex, gender identity, color, veteran status, gender identity, political affiliation, national origin, or religion. In the event a student is found responsible for such a bias-motivated violation, the sanction imposed should be more serious than that appropriate for only the underlying violation. A finding that a violation constitutes a bias-motivated violation requires a separate finding to that effect by the conduct administrator or the Conduct Board.

3.3. Range of Sanctions: The range and explanation of sanctions is provided below.

3.3.1. Warning: A written notification informing the student that the University considers the student's behavior inappropriate and that the student needs to change this behavior.

3.3.2. Probation: A period of time during which the student's behavior is under University review. Probation is intended to communicate to the student that the University considers the student's behavior inappropriate and that further violations will result in more severe consequences, which may include suspension or expulsion. Probation shall be served during the student's active terms of enrollment at the University.

3.3.3. Deferred Suspension: Deferred suspension shall be used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or the repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Student Code of Conduct. However, suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violation of the Code. If found responsible for any subsequent violation, the student will be suspended for a minimum of two academic semesters, in addition to the other consequences imposed. Students on this status may be limited in their abilities to represent the University in

certain capacities. Examples include, but are not limited to, athletic teams other than intramurals, hold an office in a student organization, or participate in any study abroad program.

3.3.4. Suspension: A temporary separation from enrollment at the University for a defined period of time. Suspended students are banned from the University premises during the period of suspension and may be required to complete specified sanctions prior to reenrollment. Completion of the suspension period and other assigned sanctions does not automatically grant suspended students the right to return to the University community. All suspended students must petition the OSRR for readmission. A committee will consider the petition and make a recommendation to the Vice Chancellor for Student Affairs, or designee. After campus safety approval, students must re-apply to their academic program, but readmission to an academic program is not guaranteed.

3.3.5. Expulsion: Permanent separation from enrollment at the University and at any other member institution of the University of North Carolina System. Expelled students are banned from University premises. With the exception of review of a case due to the receipt of new information as outlined in section 5.5.9, below, only the Chancellor may amend this sanction to suspension if the student petitions the University demonstrating significant growth and contribution to society indicating that the individual should be given a new opportunity to pursue higher education. Such petitions can be filed with the OSRR after a minimum of five years of the completion of the conduct case. A student who has been expelled from the University may not be admitted to another constituent institution of the University of North Carolina System, unless and until the sanction of expulsion has been rescinded by the University.

3.3.6. Revocation of Degree: Revocation of an awarded degree for a serious violation of the Code that occurred prior to graduation, but which was discovered after a student had graduated from the University.

3.3.7. No Contact Ban: A ban requiring the student to have no contact with a designated individual, including, but not limited to, verbal, written, or physical contact, or contact made or attempted through a third party, all of which are prohibited. Violation of a no contact ban may be a violation of this Regulation resulting in conduct charges or other administrative action. OSRR may amend a no contact ban as necessary throughout the conduct process to protect the interests of the parties.

3.3.8. Restricted Privileges: A period during which the student's privilege of using University facilities or participating in University functions is modified or limited. Depending on the circumstances, restrictions may be structured to allow a student to attend class, participate in a job or internship, or use the library. A student with restricted privileges may not be eligible, for example, for early arrival on campus, extended stays in residence halls, representing the University in competition or other official capacities, campus employment, and campus leadership opportunities.

3.3.8.1. In enforcing this provision, OSRR will periodically review rosters of University and University recognized student organizations to identify any students on restricted privileges that may be violating this provision. A student found in violation may be subject to additional disciplinary action as noted above.

3.3.9. Restitution: Reimbursement to the person or entity harmed by the violation.

3.3.10. Service: Service hours completed at an approved service site. A student may be given up to sixty hours of campus service in response to one finding of responsibility and up to sixty calendar days to complete the service.

3.3.11. Educational Task: A task designed to provide the student with an opportunity to examine her/his actions and their impact on self and/or on the community.

3.3.12. **Counseling: Assessment and counseling and/or treatment provided by the Center for Counseling and Student Development.** A student referred for assessment must comply with the recommendations of the counselor. Information shared with a counselor is confidential; however, OSRR is advised about the overall results of the student's assessment, attendance and quality of participation in counseling. Under certain circumstances, the student may be referred for off-campus counseling/treatment. The student will assume all responsibility for off-campus counseling fees.

3.3.13. **Failure to Comply with Sanctions:** OSRR monitors sanctions to ensure compliance. Students who do not complete sanctions within the specified time may not be permitted to enroll for courses or may be suspended until they complete their sanctions. Students who leave the University prior to the completion of sanctions may not be allowed to reenroll until proof is provided that the sanctions imposed have been completed.

4. Rights and Responsibilities

4.1. **Respondent Rights and Responsibilities:** A student whose conduct is under review is a Respondent and has the following rights and responsibilities. The Respondent may forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

4.1.1. Respondent Rights

4.1.1.1. The right to an objective and impartial evaluation of the complaint.

4.1.1.2. The right to be present during the meeting with a conduct administrator and/or during the Conduct Board hearing.

4.1.1.3. The right to reasonable access to all information gathered throughout the investigation pertinent to the alleged violation.

4.1.1.4. The right to present information relevant to the alleged violation, including inviting witnesses.

4.1.1.5. The right to respond to information presented against her/him.

4.1.1.6. The right to a separate meeting with a conduct administrator or Conduct Board hearing in cases involving multiple Respondents. Charges against multiple Respondents involved in the same incident may be heard in a single case only if each Respondent consents to such a proceeding. In cases involving multiple Complainants against a single Respondent which arise from the same action or event, the Respondent has the right to a separate meeting with the conduct administrator or Conduct Board hearing. Charges by multiple Complainants against a single Respondent involved in the same incident may be heard in a single case only if all parties consent to such a proceeding.

4.1.1.7. The right not to provide information with the understanding that the University will make a determination with or without the Respondent's information.

4.1.1.8. The right, after receiving written notice of the outcome, to review of the decision, including to appeal as described in section 5.5.

4.1.1.9. The right to be represented, at the student's expense, by a licensed attorney or non-attorney advocate who may participate in accordance with University of North Carolina System Policy Manual 700.4.1.1 [R] and N.C. General Statute 116-40.11. A Respondent represented by an attorney or non-attorney advocate is still expected to attend all scheduled meetings and hearings.

4.1.1.10. The right to be informed of pertinent University-based support services.

4.1.2. Respondent Responsibilities:

- 4.1.2.1. The responsibility to be honest and direct in communicating with individuals involved in the conduct process.
- 4.1.2.2. The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.
- 4.1.2.3. The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- 4.1.2.4. The responsibility to provide the decision-maker with pertinent information that the Respondent would like considered in the review of the alleged violation.
- 4.1.2.5. The responsibility to participate in the conduct process in a manner that is civil and respectful.

4.2. Complainant Rights and Responsibilities: Any ECU student, faculty, or staff member who has been negatively influenced by the alleged behavior of a student, may file a complaint against that student, and be designated by the OSRR as a Complainant. Complainants have the following rights and responsibilities. The Complainant might forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

4.2.1. Complainant Rights

- 4.2.1.1. The right to an objective and impartial evaluation of the complaint.
- 4.2.1.2. The right to present information relevant to the alleged violation, including inviting witnesses.
- 4.2.1.3. The right to submit a written impact statement.
- 4.2.1.4. The right, after receiving written notice of the outcome, to review the decision, if also permitted under ECU policies, University of North Carolina System policies and local, state, and federal laws.
- 4.2.1.5. The right to be informed of pertinent University-based support services and to be presented with an option of reporting the incident to law enforcement, if appropriate.
- 4.2.1.6. For cases specific to sexual misconduct, the Complainant is entitled the rights enumerated in 4.1.1, above, such as the right to an observer/support person at the hearing; to have the same access to the proceedings as the Respondent, including the ability to question witnesses; and to appeal a decision based on grounds described in section 5.5. The Complainant may have an attorney, at the Complainant's own expense, present at the hearing.

4.2.2. Complainant Responsibilities

- 4.2.2.1. The responsibility to be honest and direct in communicating with individuals involved in the conduct process.
- 4.2.2.2. The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.
- 4.2.2.3. The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- 4.2.2.4. The responsibility to provide the decision-maker with pertinent information that the Complainant would like considered in the review of the alleged violation.
- 4.2.2.5. The responsibility to participate in the conduct process in a manner that is civil and respectful.

4.3. If the Respondent and/or Complainant believes that a committee member or hearing official has a conflict with, bias about or an interest in a case that may unduly influence the decision making either positively or negatively, the Respondent and/or Complainant may request a different committee member or hearing official.

4.4. Students have the responsibility to update personal contact information on their Pirate Port account as soon as it changes and to consistently monitor their ECU e-mail account and telephone answering equipment, as the University frequently communicates through these modes. U.S. Post letters will be sent to the local address provided by the student in the One - Stop system or to the permanent address if attempted contact with the student through other means is unsuccessful.

5. Student Conduct Hearing Procedure

5.1. The student conduct hearing procedure described below is used to address alleged violations of the Code, except for alleged academic integrity violations, which are resolved through the conduct process outlined in the Academic Integrity Policy and any other applicable campus policies and procedures, such as those enforced by the Division of Research and Graduate Studies. Similarly, some behaviors described as violations under the Code also may be violations of the rules and policies of organizations to which the student belongs, other university units, violations of city ordinances, and/or state or federal law. When such violations occur, the student or student organization might be held accountable in multiple venues.

5.1.1 Allegations of Title IX Conduct or Interpersonal Misconduct are resolved in accordance with the University's Title IX Compliance and Resolution Regulation and the Regulation Prohibiting Interpersonal Violence and Related Misconduct applicable Appendices. These Regulations provide the applicable procedures for Title IX Conduct and Misconduct, including the investigatory, hearing, and final determination process for allegations made pursuant to these Regulation(s). A final determination finding a respondent responsible for a violation of the Regulation(s) shall include a finding of a violation of Section 2.15 of this Student Code of Conduct.

5.1.2. Alleged violations of a minor nature occurring in a residence hall may be reviewed under the Code by Campus Living staff as assigned by Campus Living. Campus Living staff will not address cases involving drugs, weapons, sexual assaults, sexual harassment, serious bodily harm or property damage without prior approval from the Director of OSRR. OSRR will address all incidents which might result in deferred suspension, suspension or expulsion.

5.1.3. The ECU conduct process is a separate and independent process from the criminal justice system. At the student's expense, he/she may be represented by a licensed attorney or non-attorney advocate who may participate in accordance with this Regulation, University of North Carolina System Policy Manual 700.4.1.1[R] and N.C. General Statute 116-40.11, or as otherwise required by law.

5.1.4. The Respondent has a right to have a non-participating support person present with him/her throughout the conduct process. The support person is not permitted to actively participate in the process, but is simply to provide comfort to the Respondent. If the Respondent chooses to have a licensed attorney or non-attorney advocate, as outlined in 4.1.1.9 and 5.1.2, in a Student Conduct Board Hearing, as outlined in section 5.4, the Respondent will not be permitted to have a non-participating support person present at the hearing. In the meetings with a conduct administrator, as described in sections 5.2 and 5.3, students may have both one (1) licensed attorney or non-attorney advocate as outlined in 4.1.1.9, and one (1) non-participating support person.

5.1.5. The standard used throughout the conduct process to reach case resolution is preponderance of the evidence. This standard will be used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation; meeting the standard constitutes the conclusion it is more likely than not that the alleged conduct occurred. Formal rules of evidence do not apply to student conduct cases.

5.1.5.1 To ensure the health and safety of individuals and the ECU Community, there may be times when OSRR determines it necessary to conduct operations through alternative means, including virtual platforms. This may include, but is not limited to, assigned sanctions providing educational resources (including Make Better Choices),

pre-hearing or gathering of information meetings and administrative hearings, Student Conduct Board hearings, and Title IX hearings. Decisions regarding OSRR operations may be determined by guidance from the UNC system, University administration, and/or local, state, or federal directives.

5.2. Initial Intake

5.2.1. All complaints will be reviewed by the OSRR Director or his/her designee to determine whether or not the reported behavior is governed by the Code. Anonymous complaints may result in a formal charge if they contain sufficient information to independently establish a violation of the Code. Allegations may also be addressed with education and through referrals to on- and off-campus resources, if appropriate.

5.2.2. The University does not tolerate retaliation against individuals who file a complaint. Retaliation means any act of interference, restraint, penalty, coercion, reprisal, intimidation, threats, or harassment against an individual for using applicable policies responsibly (including testifying, assisting, or participating in a hearing, proceeding, review process or investigation; opposing an illegal act; or exercising any other right protected by this Regulation). Students who retaliate against such persons will be held accountable under the Code. It is the responsibility of the target of the retaliation to immediately report the behavior to OSRR.

5.2.3. The determination to investigate a conduct case will be made within a reasonable period of time after receipt of a complaint. If it is believed that the behavior is governed by the Code, the student will be invited to a pre-hearing or gathering of information meeting ("Initial Meeting") with a conduct administrator. The student will be notified of the Initial Meeting date and time in writing.

5.2.4. The Respondent may request a reasonable postponement of the meeting by contacting the conduct administrator in writing no less than two (2) business days before the scheduled meeting. The Respondent will need to explain why he/she is requesting a different meeting date or time and will need to provide an alternate meeting date and time. The conduct administrator will make the final determination of the meeting date and time. If the Respondent does not appear for a scheduled meeting, the University reserves the right to make a determination regarding formal charges in the student's absence.

5.2.5. After the Initial Meeting, the conduct administrator will determine whether formal charges will be pursued. OSRR may consider any additional information received after the Initial Meeting to determine whether or not to formally charge a student with a conduct violation. If a student is to be formally charged with a potential violation of the Student Code of Conduct, the student will receive written notice of the following: the offense(s) charged with a brief summary of the factual allegations supporting the charge, a referral to a hearing with the conduct administrator or the Conduct Board, the hearing date and time, and possible sanctions.

5.2.5.1. If the alleged violation might result in a sanction other than suspension or expulsion, the hearing will take place with the conduct administrator, described in 5.3, below. The hearing will take place no earlier than five (5) calendar days after the notice is sent to the Respondent via letter or e-mail, unless the Respondent agrees to an earlier hearing date. The Respondent may waive the hearing and accept a sanction proposed by the conduct administrator. The waiver and acceptance must be in writing and signed by the Respondent.

5.2.5.2. If the alleged violation might result in suspension or expulsion, the matter will be referred to the Conduct Board, described in 5.4, below, and will take place no earlier than ten (10) calendar days after the notice is sent to the student via letter or e-mail, unless the student requests an earlier hearing date. In charges that might result in expulsion, the student will be informed that expulsion precludes matriculation at any UNC constituent institution. If a hearing date is not set in the notice of the charge, written notice of the hearing date shall be sent to be received by the student not less than five (5) calendar days before the proceeding is scheduled for hearing.

5.2.6. If the Respondent fails to meet with the conduct administrator or Conduct Board after being properly notified, the case will be decided on the basis of information gathered by the conduct administrator or the Conduct Board.^{11/11/2021}

5.2.7. If the conduct administrator believes that there was no violation or there is insufficient information to make a determination that a violation of the Student Code of Conduct occurred, the conduct case will be closed.

5.3. Hearing with a Conduct Administrator

5.3.1. The Respondent will meet with a conduct administrator to discuss the reported behavior. In this hearing, the conduct administrator will review all available, relevant information, including all evidence and defenses, witness testimony and documents presented by the parties, and will determine by a preponderance of the evidence whether or not a violation of the Code occurred. This determination shall be based solely on the evidence presented at the hearing.

5.3.1.1. A conduct administrator who has a conflict with, bias about or an interest in a case should recuse him/herself. If the conduct administrator has a conflict with, bias about or an interest in a case and refuses to recuse him/herself, the Director of OSRR, or his/her designee, shall make the recusal decision. Challenges to the conduct administrator received prior to the hearing will be determined within five (5) calendar days of OSRR's receipt of the challenge or at the start of the hearing, whichever is earlier.

5.3.2. The Respondent and/or Complainant may request a reasonable postponement of the hearing by contacting the conduct administrator in writing no less than two (2) business days before the scheduled hearing. The Respondent or Complainant will need to explain why he/she is requesting a different hearing date or time and will need to provide an alternate hearing date and time. The conduct administrator will make the final determination of the hearing date and time. If the Respondent does not appear for a scheduled hearing, the University reserves the right to make a determination in the student's absence.

5.3.3. If the conduct administrator determines by a preponderance of the evidence that a violation of the Student Code of Conduct did occur, he/she will assign appropriate sanctions and will notify the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based and will outline Respondent's right to appeal the decision to the Director of OSRR or his/her designee, including the time in which to appeal and the permitted grounds for the appeal.

5.3.4. Prior to a hearing, the Respondent may make an appointment in OSRR to review the information and witness lists to be presented at the hearing. An appointment to review information in OSRR must be made at least two (2) business days in advance.

5.3.5. The student may waive the hearing and accept a sanction proposed by the conduct administrator. The waiver and acceptance must be in writing and signed by the student.

5.3.6. Hearings with the conduct administrator are closed to the public.

5.4. Student Conduct Board Hearing

5.4.1. As indicated above, Student Conduct Board hearings will be convened when the Respondent's case involves possible sanctions of suspension or expulsion. The student will be notified by the OSRR in writing of the formal charge against the student and referral of the charge to the Student Conduct board. The notice shall specify the offense(s) charged, the possible sanctions, a brief recital of the factual allegations supporting the charge, and the hearing date and time. For all charged offenses which could result in expulsion, the notice shall indicate this possibility, and shall specify that expulsion precludes matriculation at any UNC constituent institution. The hearing

date may not be scheduled for at least ten (10) calendar days after the student receives notice of the referral, unless the student agrees to an earlier hearing date.

5.4.2. The Respondent and/or Complainant may request a reasonable postponement of the hearing by delivering a request to OSRR in writing no less than two (2) calendar days before the hearing. The person requesting the postponement will need to explain why he/she is requesting a different hearing date or time and will need to provide an alternate hearing date and time. OSRR will make the final determination of the hearing date and time. If the Respondent or Complainant does not appear for a scheduled hearing after being properly notified, the University reserves the right to make a determination in the individual's absence.

5.4.3. Conduct Board Hearing Panel Composition. The hearing panel is composed of three students, one faculty member and one staff member of the Student Conduct Board. One of the student members will be the Chair; the Chair will direct the hearing process, outline the basic facts of the case gathered by the University, and, in consultation with the other Board members, make determinations about what information is relevant to the proceedings. The Chair is responsible for ensuring an orderly hearing and, therefore, may remove any person who, in his/her discretion, interferes with the work of the Board. The Chair will facilitate the Board's discussion regarding the case and will vote only in the event of a tie. It is the Chair's responsibility to write a rationale for the Board's decision.

5.4.3.1. A Board member who has a conflict with, bias about or an interest in a case must recuse him/herself. If the Board member refuses to recuse him/herself, the Chair, along with the hearing advisor (a professional OSRR staff member) will make the recusal decision. If the Board Chair has a conflict with, bias about or an interest in a case and refuses to recuse him/herself, the hearing advisor, in consultation with the Director of OSRR, will make the recusal decision. The Respondent and/or Complainant may also challenge the participation of any Board member due a conflict with, bias about or an interest in a case that may unduly influence the Board's decision making, either positively or negatively. The challenging party will be asked to provide specific reasons for the challenge. The Chair, along with the hearing advisor (a professional OSRR staff member), will determine whether the identified Board member should be removed from the case. If the removal of a Board member results in less than five members being able to serve during the hearing, the Respondent will be given an option to continue with the existing Board or reschedule the hearing in order for the case to be reviewed by a full five-member Board panel. Challenges to the Board's composition received prior to the hearing will be determined by the Chair and hearing advisor within five (5) calendar days of OSRR's receipt of the challenge or at the start of the hearing, whichever is earlier.

5.4.3.2. The hearing advisor and an attorney from the Office of University Counsel, if in attendance, will remain in the hearing room with the Board at all times. This includes, but is not limited to, during the Board's consideration of any procedural issues (requests to continue the hearing, objections to the Board's consideration of certain witness or documentary evidence, challenges to the Board's composition, etc.) raised by the parties.

5.4.4. Hearing Outline. During the hearing, the Board will review all available, relevant information and, based on a preponderance of the evidence standard, make a determination as to whether or not a violation of the Code had occurred. A hearing will be divided into two parts: (1) the presentation of the facts and (2) if the Board finds the student responsible, the Board will determine sanctions.

5.4.4.1. The basic facts of the case gathered by the University will be outlined. At the hearing, the University must present sufficient witness and/or documentary evidence to establish the violation. The Respondent shall be given an opportunity to question this evidence, either by direct questions (non-Title IX hearings only) or inquiries transmitted through the Board Chair. The Respondent and Complainant will be afforded an opportunity to speak to the Board and present any witness or documentary evidence, provided that the evidence is relevant to the charge

or other evidence presented and does not otherwise infringe the rights of other students. The Board will also have an opportunity to ask questions of all involved.

5.4.4.2. Once all relevant information has been presented, the Conduct Board, along with the hearing advisor and an attorney from the Office of University Counsel, if in attendance, will remain in the hearing room and all other participants will be dismissed while the Board deliberates regarding a finding of responsibility or non-responsibility. This determination shall be based solely on the evidence presented at the hearing.

5.4.4.3. The Board will reconvene the hearing and announce its decision. If the student is found responsible, he/she may submit character witness letters and/or testimony attesting to his/her character. If such character witness letters or testimony are relevant to the underlying charge, such information may be presented to the Board before it makes a determination of responsibility. If the Respondent is found responsible, he/she may make any statements, oral or written, regarding mitigating or extenuating circumstances that he/she wishes the Board to consider. The Complainant may provide an impact statement to the Board.

5.4.4.4. The Board, along with the hearing advisor and an attorney from the Office of University Counsel, if in attendance, will remain in the hearing room and all other participants will be dismissed while the Board deliberates regarding appropriate sanctions. The Board will reconvene the hearing to announce its decision. The decision will also be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based and, will outline Respondent's appeal rights. This decision may be appealed by the Respondent pursuant to 5.5 below.

5.4.4.4.1. Victims of crimes of violence shall be notified of the results of the disciplinary proceedings of the alleged Respondent. "Results" means the name of the student Respondent, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any imposed. The duration of the sanction and the date the sanction was imposed.

5.4.5. Prior to a hearing, the Respondent may make an appointment with OSRR to review any written evidence (including photographs or videos) that will be used at the hearing and to obtain a list of witnesses. An appointment to review information in OSRR must be made at least two (2) business days in advance.

5.4.6. The Respondent may waive the hearing and accept the sanction proposed by the University. A designated University official must determine that the waiver and acceptance is voluntary and that the charge and sanction have factual support. The Director of OSRR (or his/her designee) shall serve as the designated University official if the Respondent waives the hearing prior to the scheduled hearing date. In the event the Respondent waives the hearing the day of the hearing, the hearing advisor will serve as the designated University official. The waiver and acceptance must be in writing and signed by the student and the designated University official.

5.4.7. The hearing will be audio recorded; however, recording quality problems and/or malfunctions will not invalidate or nullify the decision of the Conduct Board.

5.4.8. The Student Conduct Board hearings are closed to the public.

5.4.9. Conduct board members and staff assigned to perform work related to the hearing should report any potential procedural irregularities or procedural errors that come to their attention, which may have occurred before or during the hearing, to the Director of OSRR for review by the Vice Chancellor of Student Affairs. The Vice Chancellor of Student Affairs, or his/her designee, shall have the authority to determine whether corrective action, including but not limited to, a new hearing, is necessary to correct such procedural errors. This review does not constitute an appeal and is a separate, independent review of the hearing procedures.

5.5. Appeals

5.5.1. During an appeal, the appealing party has the burden of showing either (1) a violation of due process; or (2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors:

5.5.1.1. Violation of Due Process. Due Process requires notice and an opportunity to be heard. A violation of due process means that the appealing party was not provided the required notice or an opportunity to be heard due to specified procedural errors, or errors in interpretation of University policies or regulations, that were so substantial as to effectively deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in this Regulation will not invalidate a decision or proceeding unless the Respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.

5.5.1.2. Material Deviation from Substantive and Procedural Standards. Material Deviation from Substantive and Procedural Standards require that the decision reached be neither arbitrary nor capricious. A material deviation from substantive standards means that there is a lack of information in the record that could support the decision or sanction(s). This does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a showing that no reasonable person could have determined the Respondent was responsible or could have imposed the sanction that was issued, based on the information in the record. A material deviation from procedural standards means that a lack of information in the record that could support the decision is due to a procedural error that resulted in the proffered evidence or testimony being excluded.

5.5.2. The student must specify in writing ("Appeal Letter") which grounds form the basis for her/his appeal. The student must provide factual information to support her/his claim and explain what outcome he/she is seeking. The student has a right to be assisted in preparing his/her written challenge by a licensed attorney or non-attorney advocate, at the student's expense.

5.5.3. The Appeal Letter must be dated, signed by the student, and received by OSRR within five (5) calendar days from the date that the written decision on sanctions is provided to the student, either by hand delivery or by delivery or attempted delivery through e-mail or postal mail. Appeals should be directed to osrr@ecu.edu; or 364 Wright Building. Failure to deliver the written notice of appeal within this time limit will render the decision of the conduct administrator/Conduct Board final and conclusive. An extension of time may be requested within the five (5) day limit, but it is within the discretion of OSRR to grant or deny such requests.

5.5.4. Appeals will be limited to the record of the hearing, including the supporting documents provided by the Respondent and available records ("Written Record") within the OSRR.

5.5.5. In appeals from a hearing with the conduct administrator, the Director of OSRR or his/her designee will review the Written Record and make a determination as to whether a decision and/or sanction should be altered. If the OSRR Director or his/her designee determines that an appeal is not granted, the decision of the conduct administrator and any assigned sanctions will go into effect and the student will have no further appeal opportunities. The Director of OSRR or his/her designee's decision is final.

5.5.5.1. The final decision of the Director of OSRR or his/her designee will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based.

5.5.6. In appeals from a hearing before the Conduct Board where suspension is assigned, the Director of OSRR will compile the Written Record and provide it to the Vice Chancellor for Student Affairs, or his/her designee, who will make the final administrative determination. The Vice Chancellor, or his/her designee, will determine whether to impose the sanctions recommended by the Conduct Board, to modify the sanctions recommended by the Conduct

Board, to refer the case back to OSRR for a new hearing before a different Conduct Board, or take other necessary administrative action.

5.5.7. All hearings before the Conduct Board where expulsion is recommended will be reviewed by the Vice Chancellor for Student Affairs who will make the final administrative determination. The Director of OSRR, or his/her designee, will compile the Written Record and provide it to the Vice Chancellor for Student Affairs for review. The Vice Chancellor will determine whether to impose the sanctions recommended by the Conduct Board, to modify the sanctions recommended by the Conduct Board, or to refer the case back to OSRR for a new hearing before a different Conduct Board, or take other necessary administrative action. If the Vice Chancellor determines that the student should be expelled from the University, the student has the right to file an appeal by following the process described in 5.6.

5.5.7.1. If the Vice Chancellor of Student Affairs is unavailable, has a conflict of interest, or when the Chancellor determines that a substitution is necessary to ensure a fair and timely review, the Chancellor may assume the responsibility of reviewing Conduct Board appeals or designate another vice chancellor.

5.5.8. The final decision in cases where suspension or expulsion is the sanction will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based and any appeal rights, including the time limits in which to appeal and the permitted grounds for appeal.

5.5.9. New Information. Requests for reconsideration based on new information, sufficient to alter a decision and not reasonably available at the time of the decision, should be directed to the original decision-maker. A Complainant or Respondent has one (1) calendar year after the final imposition of sanctions by the University to present new information.

5.6. Appeal of Expulsion

5.6.1. Should the Vice Chancellor for Student Affairs uphold the Conduct Board's recommendation and make a final administrative decision to expel a student, the student has the right to appeal the decision to the East Carolina University Board of Trustees. The student should send a written appeal by certified or registered mail, return receipt requested, or by another means that provides proof of delivery to the Assistant Secretary to Board within ten (10) calendar days after the notice of the Vice Chancellor's decision is sent to the Respondent. A copy should also be provided to the Office of Student Rights and Responsibilities and the Vice Chancellor for Legal Affairs and University Counsel of East Carolina University. If the appeal is received in a timely manner, the Board of Trustees will establish a schedule for its review. If the Respondent fails to comply with the schedule, the Board of Trustees may dismiss the appeal. The decision of the Board of Trustees is final.

6. Records

6.1. Family Educational Rights and Privacy Act of 1974: Conduct case information is recorded and maintained by OSRR in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA). Generally, information contained in OSRR files that personally identifies a student will not be released without the written and dated consent of the student identified in the record. However, disciplinary records may be shared with third parties to the extent allowed under FERPA. Victims of violence will be notified of the final disposition of the case to include the name of the Respondent; the letter of the alleged violation committed; the findings supporting the conclusion; the sanctions imposed, if any; the duration of the sanctions; and the date the sanctions were imposed. For specific information on FERPA, please contact the Registrar's Office.

6.2. Maintenance of Records: Conduct records are maintained by the OSRR for at least eight years from the completion of the last sanction imposed. Records of students, who have been suspended, expelled, and of those who have a pending case or have not completed sanctions are kept indefinitely.

6.3. UNC Suspension/Expulsion Database: Information about students who are suspended, expelled, or have serious pending cases is entered into a UNC database, where it is stored permanently. All UNC constituent institutions have access to this information.

6.4. Transcript Notation: Conduct suspensions and expulsions will be marked on the student's transcript until all sanctions have been completed. For more information, please contact the Office of the Registrar.

6.5. Awarding of Degrees: The University does not award degrees solely because a student successfully completed all academic requirements. Violations of the Student Code of Conduct, including academic and non-academic violations, might result in a degree not being awarded. When a student has a disciplinary complaint pending, the awarding of the degree might be delayed until the complaint is resolved and, if imposed, the sanctions have been completed.

6.6. Withdrawal: Students with a pending conduct case will not be permitted to withdraw from the University without first resolving the case or receiving permission from the Director of OSRR to do so.

6.7. Continual Enrollment: Students with a pending conduct case might be prohibited from future enrollment until the conduct matter is resolved by the University.

7. Review of the Conduct Process

7.1. The Director of the OSRR will convene the Conduct System Review Committee every three years. This committee will assess the effectiveness of the conduct process and related policies and recommend any changes in policy, procedure, or the Code to the Chancellor.

7.2. The Committee shall be composed of two students appointed by the President of the Student Government Association, two staff members appointed by the Chair of the Staff Senate, and two faculty members appointed by the Chair of the Faculty Senate. The Dean of Students or designee shall serve as a chair of the Committee, voting only if there is a tie.

7.3. The Director of OSRR shall present a report to the Vice Chancellor for Student Affairs reflecting information regarding the state of the conduct system no later than June 30th of the review year. The Director of OSRR and other staff members directly involved in the conduct process shall serve as non-voting members of the Committee. The Director of OSRR is permitted to convene the Committee outside of the typical three-year review cycle when necessary.

7.4. The University will review and update this Regulation, as appropriate, annually, in addition to the review every three years by the Committee. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed).

ECU Transit statement regarding Drug Screens for Student Drivers

Drug and Alcohol Screening: applicants must receive a negative result on pre-employment drug and alcohol screening. Random drug and alcohol screenings will continue for the duration of employment. For a full list of employment requirements and eligibility, please visit: <https://transit.ecu.edu/i-want-to/apply-for-employment/>

NC DOT standards for Commercial Drivers License (CDL)

Please visit the below link to gain more information regarding employees that hold a CDL as a part of their job requirements. (This document was note included in the DAAPP due to its length)

<https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/commercial-driver-manual.pdf>

F. Federal and State Laws

I. Federal Drug Laws

Definition of Controlled Substance Schedules:

Drugs and other substances that are considered controlled substances under the Controlled Substances Act (CSA) are divided into five schedules. An updated and complete list of the schedules is published annually in Title 21 Code of Federal Regulations (C.F.R.) §§1308.11 through 1308.15. Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, their relative abuse potential, and likelihood of causing dependence when abused. Some examples of the drugs in each schedule are listed below.

Schedule I Controlled Substances

Substances in this schedule have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse.

Some examples of substances listed in Schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxymethamphetamine ("Ecstasy").

Schedule II/IIIN Controlled Substances (2/2N)

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence.

Examples of Schedule II narcotics include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®, Percocet®), and fentanyl (Sublimaze®, Duragesic®). Other Schedule II narcotics include: morphine, opium, codeine, and hydrocodone.

Examples of Schedule IIN stimulants include: amphetamine (Dexedrine[®], Adderall[®]), methamphetamine (Desoxyn[®]), and methylphenidate (Ritalin[®]).

Other Schedule II substances include: amobarbital, glutethimide, and pentobarbital.

Schedule III/IIIN Controlled Substances (3/3N)

Substances in this schedule have a potential for abuse less than substances in Schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence.

Examples of Schedule III narcotics include: products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine[®]), and buprenorphine (Suboxone[®]).

Examples of Schedule IIIN non-narcotics include: benzphetamine (Didrex[®]), phendimetrazine, ketamine, and anabolic steroids such as Depo[®]-Testosterone.

Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in Schedule III.

Examples of Schedule IV substances include: alprazolam (Xanax[®]), carisoprodol (Soma[®]), clonazepam (Klonopin[®]), clorazepate (Tranxene[®]), diazepam (Valium[®]), lorazepam (Ativan[®]), midazolam (Versed[®]), temazepam (Restoril[®]), and triazolam (Halcion[®]).

Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics.

Examples of Schedule V substances include: cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC[®], Phenergan with Codeine[®]), and ezogabine.

Source: <https://www.deadiversion.usdoj.gov/schedules/>

Federal law imposes restrictions and penalties on the possession, distribution, and illegal sale of any controlled substance as well as the sale or distribution of drug paraphernalia. Substances are grouped into five categories in order to easily impose restrictions on several substances at once instead of having to draft laws for each individual substance. The basic categories are as follows:

- **Schedule 1:** Ecstasy, LSD, heroin, marijuana
- **Schedule 2:** Cocaine, methamphetamine, hydrocodone, oxycodone, Adderall, Vicodin, Ritalin
- **Schedule 3:** Anabolic steroids, ketamine, testosterone.
- **Schedule 4:** Ambien, Xanax, and Valium.
- **Schedule 5:** Lyrica and cough suppressants

The law prohibiting unauthorized possession of any controlled substance is found in 21 USC § 844. Simple possession of any controlled substance (meaning having a small amount for personal

consumption without intending to distribute or sell) is a misdemeanor under federal law carrying a fine of at least \$1,000 and no more than one year in prison (except for possession of Flunitrazepam, more commonly known as “roofies,” which is always a felony and carries a greater penalty). Repeat possession offenders may be charged with a felony, which carries a longer prison sentence and greater fine. Possession with intent to distribute carries penalties which are potentially even more severe. In addition to prison time and fines, civil penalties may also be imposed on anyone violating federal possession laws. Persons convicted of possession may also be fined for the reasonable costs of the investigation and prosecution of the offense.

However, it is important to note that most federal drug convictions are for drug trafficking, not possession. The penalties for drug trafficking are found in 21 USC § 841. Penalties are structured to impose prison sentences and fines which vary according to the quantity of the controlled substance involved in the transaction. Persons who violate drug trafficking laws within 1,000 feet of a university may face penalties or prison terms and fines up to twice as high as the regular penalties.

II. NC Drug Laws

Most university students or employees who choose to participate in illegal drug-related activities will be prosecuted under North Carolina law. North Carolina law, like federal law, prohibits possession of any controlled substance, possession with intent to distribute, and trafficking in any controlled substance. North Carolina has its own scheduling system.

The scheduling system mirrors the federal system except for a separate category, Schedule VI, for marijuana (federal law places marijuana in Schedule I). The specific scheduling classifications can be found in N.C. General Statutes § 90-89 through § 90-94. Penalties vary for each schedule. For example, Possession of a Schedule I narcotic is automatically a felony which carries severe fines and 4-5 months mandatory jail time while Schedule VI violations result in either class 2 or class 3 misdemeanors which carry very light sentences.

Article 5B of the North Carolina Controlled Substance Act prohibits the possession of drug paraphernalia including marijuana paraphernalia and the manufacturing or delivering of drug paraphernalia. The physical nature of the object does not determine whether its drug paraphernalia (this is why we see smoke shops near college campuses selling bongos, pipes, and other devices which are traditionally used for smoking and ingesting marijuana). The law specifies what evidence may be used in order to determine if an object is drug paraphernalia. These factors are listed in § 90-113.21(b) and include the object’s proximity to a controlled substance, the presence of any residue of a controlled substance on the object, any descriptive materials accompanying the object, prior convictions of the owner for violations of the controlled substance act, possible legitimate uses of the object, etc.

Here are a few other aspects of North Carolina drug law to be aware of:

1. North Carolina recently passed a law which provides an exemption for use or possession of "hemp extract" if it is used for the treatment of epilepsy. N.C. Gen. Stat. § 90-94.1
2. There are additional penalties whenever a drug transaction or drug law violation involves a minor. N.C. Gen. Stat. § 90-95.4; §90-95.5; §90-95.6; § 90-95.7
3. North Carolina law provides limited immunity for a "good Samaritan." If someone calls 911 or a law enforcement officer to seek medical assistance for someone experiencing an overdose, they have limited immunity. Specifically, they cannot be charged with any misdemeanor possession violation, or a felony possession violation if they have less than one gram of cocaine or heroin. This provision is found in § 90-96.2.

III. NC Drug Schedules

Schedule I Has a high potential for abuse. Has no medical use. Has a lack of accepted safety.	Heroin Ecstasy GHB Methaqualone Peyote Opiates (and others)	First Offense Class I Felony 4-5 Months	Table Cell
Schedule II Has a high potential for abuse. Has accepted medical use with severe restrictions. Abuse may lead to physical or psychological dependence.	Cocaine Raw Opium Opium Extracts, Fluid and Powder Codeine Hydrocodone Morphine Methadone Methamphetamine Ritalin (and others)	First Offense Class 1 Misdemeanor 45 Days in Jail	Second Offense Class I Felony 4-5 Months
Schedule III Has potential for abuse, but less than Schedule I or II substances. Has an accepted medical use. Abuse may lead to limited dependence.	Ketamine Anabolic Steroids Some Barbiturates (and others)	First Offense Class 1 Misdemeanor 45 Days in Jail	Second Offense Class I Felony 4-5 Months
Schedule IV	Valium	First Offense	Second Offense

Has a low potential for abuse. Has an accepted medical use. Abuse may lead to limited dependence.	Xanax Rohypnol Darvon Clonazepam Barbital (and others)	Class 1 Misdemeanor 45 Days in Jail	Class I Felony 4-5 Months
Schedule V Has a low potential for abuse. Has an accepted medical use. Abuse may lead to limited dependence.	Over the counter cough medicines with codeine (and others)	First Offense Class 2 Misdemeanor 30 Days in Jail	Second Offense Class 1 Misdemeanor 45 Days in Jail
Schedule VI Has a low potential for abuse. Has no accepted medical use. Abuse may lead to limited dependence.	Marijuana Hashish Hashish Oil	First Offense Class 3 Misdemeanor 10 Days in Jail or Suspended Sentence	Second Offense Class 2 Misdemeanor 30 Days in Jail

IV. Drug Trafficking Penalties

Marijuana	<ul style="list-style-type: none"> • 10 – 49 lbs. • 50 – 1,999 lbs. • 2,000 – 9,999 lbs. • 10,000 lbs. or more 	<ul style="list-style-type: none"> • Class H Felony 25 – 30 Months • Class G Felony 35 – 42 Months • Class F Felony 70 – 84 Months • Class D Felony 175 – 219 Months 	<ul style="list-style-type: none"> • \$5,000 Fine • \$25,000 Fine • \$50,000 Fine • \$200,000 Fine
Heroin	<ul style="list-style-type: none"> • 4 – 13 grams • 14 – 27 grams • 28 grams or more 	<ul style="list-style-type: none"> • Class F Felony 70 – 84 Months • Class E Felony 90 – 117 Months • Class C Felony 225 – 279 Months 	<ul style="list-style-type: none"> • \$50,000 Fine • \$100,000 Fine • \$250,000 Fine
Cocaine	<ul style="list-style-type: none"> • 28 – 199 grams • 200 – 399 grams • 400 grams or more 	<ul style="list-style-type: none"> • Class G Felony 35 – 42 Months • Class F Felony 70 – 87 Months 	<ul style="list-style-type: none"> • \$50,000 Fine • \$100,000 Fine • \$250,000 Fine

		<ul style="list-style-type: none"> • Class D Felony 175 – 219 Months 	
Methamphetamines	<ul style="list-style-type: none"> • 28 – 199 grams • 200 – 399 grams • 400 grams or more 	<ul style="list-style-type: none"> • Class F Felony 70 – 84 Months • Class E Felony 90 – 117 Months • Class C Felony 225 – 279 Months 	<ul style="list-style-type: none"> • \$50,000 Fine • \$100,000 Fine • \$250,000 Fine

V. NC Alcohol Laws

a. Minimum Age Laws Overview

North Carolina's alcohol laws permit adults 18 or older to serve alcohol in restaurants. Or in any venue for on-site consumption. The same for tending bar. To sell alcohol for off-site consumption it may be different. Those who sell spirits must also be 18 or older. But there's no minimum legal age law for selling beer or wine in such a venue.

Local alcohol laws are often more restrictive than state law. Some to the point of prohibition.

The use of a false ID to buy alcohol is a crime. It is also illegal for those under 21 to drive with any alcohol in their blood. The only legal BAC for them is 0.00.

North Carolina alcohol laws make no exceptions for consuming alcohol under age 21.

b. Alcohol Violations

Selling Alcohol

It's a violation of North Carolina alcohol laws to sell alcohol to anyone under 21. That includes adults 18, 19, and 20. There are no exceptions. And it's illegal to sell or serve alcohol to anyone who is intoxicated. Retailers may sell or serve alcohol between 7 a.m. and 2 a.m. Mondays through Saturdays. They may only sell or serve it after noon on Sundays. However, some counties and towns further restrict Sunday sales.

Retailers may not:

Have Happy Hours. That is, offer free or reduced drink prices during limited hours. They must be offered to all customers for the entire day and in all areas of the business.

Offer certain drink specials or promotions. They include two for the price of one, or buy one and get one free. Buy one and get another for a nickel, or buy a meal (or anything) and get a free drink, etc. Permit customers to continue drinking on their premises after 2:30 a.m.

Buying Alcohol

It's illegal for anyone under 21 to buy alcohol, or to try to buy it. Helping anyone under 21 obtain alcohol is also illegal. This includes buying or giving them alcohol, or lending an ID so they can buy it. Nor may parents, ministers, physicians give or administer even a tiny amount of alcohol for any reason.

Customers may only receive one drink at a time. The only exception is a boiler maker. It's one shot in one beer. Only two or more customers may buy a pitcher of beer. However, one customer may buy one bottle of wine. And a customer may re-cap a partially consumed bottle of wine and take it from the premises.

It's illegal to possess an unregistered, unlabeled beer keg. The judge determines the amount of the fine and also the imprisonment. It may be up to 45 days.

Customers may not use federal food assistance ("food stamps") to buy alcohol.

Driving and Alcohol

North Carolina alcohol laws prohibit driving while impaired (DWI). Drivers are impaired if their blood alcohol concentration (BAC) is 0.08% or higher. With a prior DWI conviction and for commercial drivers, it's 0.04%. For those under age 21, any measurable alcohol is DWI.

Drivers under 21 with any measurable alcohol are penalized with license suspension. It's 30 days for a pretrial period and then for one year after that. The judge decides what other penalties to impose.

These are typically fines, court costs and often community service requirements.

Drivers of any age may be convicted of DWI even if their BAC is within the legal range.

North Carolina DWI offenses are categorized into six levels. They increase in severity from Level 5 up to Aggravated Level 1. The judge alone decides into which category a DWI charge falls. Factors may include the BAC level, age, current driving record, demeanor, and other circumstances.

Level 5

Immediate license suspension for 30 days.

Fine up to \$200.

Imprisonment for one to 60 days.

Possible probation

Substance abuse assessment, if on probation.

Level 4

Immediate license suspension for 30 days.

Fine up to \$500.

Imprisonment for two to 120 days.

Substance abuse assessment, if on probation.

Level 3

Immediate license suspension for 30 days.

Fine up to \$1,000.

Imprisonment for 72 hours to six months.

Possible parole.

Substance abuse assessment, if on probation.

Level 2

Immediate license suspension for 30 days.

Fine up to \$2,000.

Imprisonment for seven days to one year. Judge might reduce sentence to 90 days of court-monitored abstinence from alcohol.

Possible parole. Substance abuse assessment, if on probation.

Level 1

Immediate license suspension for 30 days.

Fine up to \$4,000.

Imprisonment for 30 days to two years. Judge might reduce sentence to 120 days of court-monitored abstinence from alcohol.

Substance abuse assessment, if on probation.

Aggravated Level 1

Immediate license suspension for 30 days.

Fine up to \$10,000.

Imprisonment for one to three years. Judge might reduce sentence to 120 days with court-monitored alcohol abstinence for at least 120 days.

Court-monitored abstinence from alcohol for four months after release from prison.

Substance abuse assessment.

Ignition Interlock Device

An ignition interlock device (IID) prevents a vehicle from starting if it detects alcohol in the driver's breath. North Carolina mandates an IID installation for any driver with a BAC of 0.15 or higher. Or for a later offense within seven years.

The offender must pay for the installation, maintenance, and monitoring of the IID.

Boating and Alcohol

North Carolina alcohol laws prohibit operating any boat under the influence of alcohol or drugs. Doing so is boating under the influence (BUI). This prohibition covers riding waterskis, surfboards, wakeboards, or similar devices.

Boaters are guilty of BUI if they operate a vessel under the influence of an impairing substance. Or if they have a BAC of 0.08% or higher "at any relevant time after boating."

Offenses depend on the offender's criminal history and the judge hearing the case. However the typical penalty for a BUI is imprisonment up to 60 days and a fine of \$250 to \$1,000. However, there are increased penalties for certain BUI offenses.

BUI Penalties

Serious Injury by Impaired Boating. If a BUI offender causes a serious injury, the penalty is ten to 41 months in prison. Judge can also impose fine.

Aggravated Serious Injury by Impaired Boating. This occurs if a BUI offender has had a BUI conviction within the previous seven years and causes serious injury. The penalty is imprisonment for 38 to 160 months. Judge can also impose fine.

Death by Impaired Boating. If a BUI offender causes a death, the penalty is 38 to 160 months in prison. Judge can also impose fine.

Aggravated Death by Impaired Boating. This is when a BUI offender had a BUI conviction in the previous seven years and causes a death. The penalty is imprisonment for 38 to 160 months. Judge can also impose fine.

Repeat Death by Impaired Boating. Occurs when a BUI offender causes death and has a prior conviction for Death by Impaired Boating. The penalty is 94 to 393 months in prison. Judge can also impose fine.

c. Greenville Ordinances

Alcohol

Violation of laws that address underage alcohol purchase, consumption, and sales will result in a criminal penalty. It is illegal to sell or provide alcohol to or purchase alcohol for anyone under 21. It is illegal to provide a fake ID to someone under 21 in order to purchase alcohol or gain admittance to a private club. It is illegal to sell alcohol without a permit. If you are going to have a party in which alcohol is served, YOU will be responsible for the actions and safety of your guests. It is illegal for any person to be intoxicated and disruptive in public.

Noise

Greenville has a noise ordinance that applies to all areas of the city. It applies to the sound generated within an apartment or single property, as well as to amplified stereo sound in automobiles. It applies to indoor and outdoor sound. It also applies to animals that, by habitually howling, barking, or crying, disturb nearby residents. Anyone who wants to exceed the allowed decibel level must apply for a permit. The use of outdoor sound amplifying equipment requires a separate "Outdoor Amplified Sound Permit" issued by the Greenville Police Department. Violation of the City of Greenville Noise Ordinance will result in a \$100 citation.

Social District Boundaries

There is one approved social district in the City of Greenville — the Uptown Social District. The district is active Thursday through Saturday from 11 a.m. to 10 p.m. Alcoholic beverages cannot be taken outside of the boundaries of this social district. Additionally, alcoholic beverages are not allowed to be possessed or consumed on any property owned, occupied, or controlled by the City (including parking lots and the Fourth Street Parking Garage) unless that property has been designated by the City as eligible for the consumption of alcohol under the rules of the social district and applicable state law. This applies to all City-owned properties located within a social district unless otherwise noted.

d. Dare County Ordinances

Wanchese is an unincorporated Fishing Village that is under the jurisdiction of Dare County. Contacts were made with the Manteo City Planning Department as well as Dare County Planning Department in regard to the alcohol ordinances. The following ordinance was the only ordinance shared:

§ 114.01 SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS AT LICENSED PREMISES.

Pursuant to the authority contained in G.S. § 153A-145.7, the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed in the unincorporated areas of Dare County beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under G.S. § 18B-1001. (Ord. passed 7-17-2017)

G. Description of Office of Student Rights and Responsibilities Sanctions (OSRR)- Students

Student Code of Conduct Violation	Severity of Violation or Recidivism of Violation	Type of Standing	Educational Sanctions. The Conduct Administrator may choose from more than one sanction or determine other appropriate sanctions.
.1. Alcohol	Level I - first minor violation	Direct Referral (see information on Direct Referral Program)	Direct Referral to BASICS I or MBC, Possible Parental Notification if under 21
	Level II - second minor violation or more serious first violation	Minimum 1 month of probation	BASICS I, BASICS II, MBC, Reflection Paper/Activity, Decision Making Paper, Professional Development Plan, Follow-up Meeting, Parental Notification if under 21
	Level III - third minor violation or a very serious first violation	Minimum 4 months of probation	BASICS II, Reflection Paper/Activity, Follow-up Meeting, Referral to Other Campus Resources, Assessment/Treatment Off-Campus, Responsibility Presentation, Professional Development Plan, Letter to Parents, Parental Notification if under 21
	Level IV – any alcohol violation after student has been sanctioned to Level III	Minimum Deferred Suspension for 2 semesters or Suspension from ECU for a minimum of 1 semester	Assessment and Treatment Off-campus; Parental Notification if under 21. RESTART (OSRR Only), If Suspension: Follow Up Meeting with OSRR Upon Return

	Subsequent violations	Minimum Suspension from ECU for a minimum of 2 semesters or Possible Expulsion from University System	Suspension: Assessment and Treatment Off-Campus, Follow Up Meeting with OSRR Upon Return, Parental Notification if under 21
.2. Drugs, Drug paraphernalia, and other Controlled substances	Possession of Paraphernalia	Minimum 1 month of probation	BASICS I, BASICS II, MBC, Reflection Paper, Code of Conduct Review, Responsibility Presentation, Professional Development Plan, Follow-Meeting
	Schedule I and II drugs first violation of possessing, using, or misusing	Based on the nature of the incident: Minimum 4 months of probation, Deferred Suspension for 2 semesters or Suspension from ECU for a minimum of 1 semester or Possible Expulsion from the University System	<i>If Probation or Deferred Suspension:</i> BASICS II or Assessment and Treatment Off-Campus, Parental Notification if under 21, Follow-up meeting <i>If Suspension:</i> Assessment and Treatment Off-Campus, Drug Testing, Parental Notification if under 21, RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return
.2. Drugs, Drug paraphernalia, and other Controlled substances (continued)	Schedule I and II drugs second violation of possessing, using or misusing or first violation of distributing, buying, selling, or manufacturing	Based on the nature of the incident: Minimum Suspension from ECU for a minimum of 1 semester or Possible Expulsion from the University system.	Assessment and Treatment Off-Campus, Drug Testing, RESTART (OSRR Only), Parental Notification if under 21
	Schedule III through VI drugs first violation of possessing, using or misusing. For marijuana sanction guidelines, refer to marijuana sanctioning chart	Based on the nature of the incident: Minimum of 4 months of probation	BASICS I (must have permission from supervisor or AD for Campus Living Conduct to sanction BASICS I), BASICS II, Reflection Paper/Activity, Follow-up Meeting, Referral to Other Campus Resources, Assessment/Treatment Off-Campus, Parental Notification if under 21; RESTART (OSRR Only)
	Schedule III through VI drugs second violation of possessing, using or misusing or first violation of distributing, buying, selling, or manufacturing	Based on the nature of the incident: Minimum Deferred Suspension for 2 semester or Suspension from ECU for 1 semester	<i>If Probation or Deferred Suspension:</i> BASICS II or Assessment and Treatment Off-Campus, Parental Notification if under 21, Follow-up meeting <i>If Suspension:</i> Assessment and Treatment Off-Campus, Drug Testing, Parental Notification if under 21, RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return
	Schedule III through VI drugs third violation of possessing, using or misusing or second violation of distributing,	Based on the nature of the incident: Minimum Suspension from ECU for 2 semesters or Possible	Assessment and Treatment Off-Campus, Drug Testing, Parental Notification if under 21, RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return

	buying, selling, or manufacturing	Expulsion from the University System.	
.3. Endangerment	Level I – minor violation resulting in no actual physical injuries (shoving, slapping, etc.) or community harm	Warning or 1 month of probation	MBC, Counseling, Anger Management (CASP), Referral to Campus Resources, Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct Review, Responsibility Presentation, Professional Development Plan
.3. Endangerment (continued)	Level II – medium violation actually or potentially resulting in minor to medium physical injury (i.e.: broken nose, broken finger, dislocated shoulder, hazing, etc.) or community harm; tampering with fire equipment; second Level I violation	Minimum 4 months of probation, Deferred Suspension for 2 semesters or Suspension from ECU for 1 semester	MBC, Counseling, Anger Management (CASP), Referral to Campus Resources, Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct Review, Responsibility Presentation, Professional Development Plan <i>If Suspension:</i> RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return
	Level III – major violation actually or potentially resulting in serious bodily harm or death; second Level II violation; third Level I violation	Minimum Suspension from ECU for 1 semester. In extreme cases Expulsion from the University System	<i>If Suspension:</i> Counseling, Anger Management, RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return
	Subsequent violations after student had been sanctioned to Level III	Minimum Suspension from ECU for 2 semesters. In extreme cases Expulsion from the University System	<i>If Suspension:</i> Counseling, Anger Management, RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return
.4. Harassment, Threats, Bullying or Intimidation	Level I – threat without indication that it was to be carried out (plan with minimal clarity); Bullying	Minimum 1 month of probation	MBC, Counseling, Anger Management (CASP), Referral to Campus Resources, Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct Review, Responsibility Presentation, Professional Development Plan
	Level II - threat without indication that it was to be carried out with aggravating circumstances; second Level I threat violation; harassment; Exploitation; Repeat or Severe Bullying	Minimum 4 months of probation	Counseling, Anger Management (CASP), Referral to Campus Resources, Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct Review, Responsibility Presentation, Professional Development Plan
.4. Harassment, Threats, Bullying or Intimidation (continued)	Level III – threat indicating gross physical harm to individuals or property; third Level I threat	Minimum Suspension from ECU for 1 semester. In extreme cases	<i>If Suspension:</i> Counseling Assessment and Treatment, RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return

	violation or any violation after student has been sanctioned to Level II; Severe or Repeat Harassment;	Expulsion from the University System	
	Subsequent violations after student had been sanctioned to Level III	Expulsion from the University System	
.5. Hazing	Level I - preparing to engage in hazing	Minimum 1 month of probation	Counseling, Anger Management (CASP), Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct/Policy Review, Responsibility Presentation, Professional Development Plan, Hazing Module, F/S Values Reflection
	Level II – engaging in hazing activities actually or potentially resulting in no physical, emotional, or mental harm or property damage; or being a bystander to said activities	Minimum 4 months of probation or Deferred Suspension for 2 semesters	Counseling, Anger Management (CASP), Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct/Policy Review, Responsibility Presentation, Professional Development Plan, Hazing Module, F/S Values Reflection
	Level III – facilitating or engaging in hazing activities actually or potentially resulting in minor to medium physical, emotional, or mental harm or property damage; Or being a bystander to said activities	Minimum Suspension from ECU for 1 semester. In extreme cases Expulsion from the University System	Counseling, Anger Management (CASP), Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct/Policy Review, Responsibility Presentation, Professional Development Plan, Hazing Module, F/S Values Reflection, <i>If Suspension: Follow Up Meeting with OSRR Upon Return</i>
.5. Hazing (continued)	Level IV – engaging in hazing activities actually or potentially resulting in serious physical, emotional or mental harm or property damage; second Level I, II, or III hazing violation; or being a bystander to said activities	Minimum Suspension from ECU for 2 semesters. In extreme cases Expulsion from the University System	Counseling, Anger Management (CASP), Decision-Making Paper, Follow-Up Meeting, Reflection Paper/Activity, Code of Conduct/Policy Review, Responsibility Presentation, Professional Development Plan, Hazing Module, F/S Values Reflection, <i>If Suspension: Follow Up Meeting with OSRR Upon Return</i>
	Second Level IV or subsequent Level I, II, or III hazing violations; or being a bystander to said activities	Expulsion from the University System	
.6. Weapons	First time violation of possession (depending on	Minimum 4 months of probation; Deferred	Counseling Assessment, Reflection Paper/Activity, Gun Safety Class, Meeting

	the nature of the incident and if the weapon was used or threatened to be used)	Suspension for 2 semesters; Suspension from ECU for 1 semester; or in extreme cases, Expulsion from the University system. <i>Administrative Suspension may be considered.</i>	with Law Enforcement, or Other Campus Resources, <i>If Suspension: Follow Up Meeting with OSRR Upon Return</i>
	Subsequent weapons violations after being suspended or any extremely serious first-time violations involving a weapon	Expulsion from the University system. <i>Administrative Suspension may be considered.</i>	
.7. Disruptive conduct	Level I – conduct which minimally interfered with the function of the University or the conduct of others	Minimum 1 month probation	Depending on the nature of the incident, refer to Counseling, Make Better Choices, Career Services, Decision Making Paper, Responsibility Presentation, Follow-up Meeting, or Other Appropriate Campus Resources
.7. Disruptive conduct (Continued)	Level II – conduct which moderately interfered with the function of the University or the conduct of others; second Level I violation	Minimum 4 months of probation or Deferred Suspension for 2 semesters	Depending on the nature of the incident, refer to Counseling, Make Better Choices, Career Services, Decision Making Paper, Responsibility Presentation, Follow-up Meeting, or Other Appropriate Campus Resources
	Level III – conduct which substantially interfered with the function of the University or the conduct of others; third Level I violation or second Level II violation	Minimum Suspension from ECU for 1 semester.	Counseling Assessment, Community Service (if appropriate), RESTART (OSRR Only), Follow Up Meeting with OSRR Upon Return
	Subsequent violations after student had been sanctioned to Level III	Expulsion from the University system	
.8. Theft	Amount: < \$250	Probation: 1 semester	General Counseling and Restitution, Decision Making Paper, Reflection Paper/Activity
	\$251 - \$500	Probation: 2 semesters	General Counseling and Restitution, Decision Making Paper, Reflection Paper/Activity
	\$501 - \$1,000	Deferred Suspension: 2 semesters	General Counseling and Restitution, Decision Making Paper, Reflection Paper/Activity
	\$1,001 - \$1,500	Suspension: 1 semester	General Counseling and Restitution, Community Service (if appropriate)

	\$1,501 - \$2,500	Suspension: 2 semesters	General Counseling and Restitution, Community Service (if appropriate)
	\$2,501 - \$5,000	Suspension: 3 semesters	General Counseling and Restitution, Community Service (if appropriate)
.9. Vandalism or defacement	Amount: < \$250	Probation: 1 semester	General Counseling and Restitution, Decision Making Paper, Reflection Paper/Activity, Responsibility Presentation
	\$251 - \$750	Probation: 2 semesters	General Counseling and Restitution, Decision Making Paper, Reflection Paper/Activity, Responsibility Presentation
	\$751 - \$1,500	Deferred suspension: 2 semesters	General Counseling and Restitution, Decision Making Paper, Reflection Paper/Activity, Responsibility Presentation
	\$1,501 - \$3,000	Suspension: 1 semester	General Counseling and Restitution, Community Service (if appropriate)
	\$3,000	Suspension: 2 semesters	General Counseling and Restitution, Community Service (if appropriate)
.10. Trespassing and unauthorized Use of property	Level I – trespassing and unauthorized use of property with minimal impact on community (entering halls unescorted; No FL for being bathroom)	Warning	Make Better Choices, General Counseling, Code of Conduct/Policy Review
	Level II – trespassing and unauthorized use of property with moderate impact on community; second Level I violation	Minimum 4 months of probation	Make Better Choices, General Counseling, Code of Conduct/Policy Review, Decision Making Paper, Reflection Paper/Activity
	Level III – trespassing and unauthorized use of property with substantial impact on community; third Level I violation or second Level II violation	Minimum Suspension from ECU for 1 semester	Counseling Assessment, RESTART (OSRR Only), Follow-Up Meeting with OSRR Upon Return
.10. Trespassing and unauthorized Use of property (Continued)	Subsequent violations after student had been sanctioned to Level III	Expulsion from the University System	
.11. False Information, Forgery, and Fraud	Level I – violation with minimal impact on community	Warning	Make Better Choices, Decision Making Paper, Reflection Paper/Activity
	Level II – violation with moderate impact on	Minimum 1 month of probation	Make Better Choices, BASICS I, Decision Making Paper, Reflection Paper/Activity, Professional Development Plan

	community; second Level I violation (fake ID)		
	Level III – violation with substantial impact on community; third Level I violation or second Level II violation; (forging checks)	Minimum 4 months of probation	Counseling Assessment, BASICS I, Decision Making Paper, Reflection Paper/Activity, Professional Development Plan
	Level VI – violation with significant impact on community; fourth Level I, third Level II, or second Level III violation	Minimum Suspension from ECU for 1 semester. In extreme cases Expulsion from the University System	Counseling Assessment, RESTART (OSRR Only), Follow-Up Meeting with OSRR Upon Return
.13. Gambling	Level I – gambling with minimal impact on community	Warning	Make Better Choices, General Counseling, Decision Making Paper, Code of Conduct Review, Reflection Paper/Activity
	Level II – gambling with moderate impact on community; second Level I violation	Minimum 4 months of probation	Make Better Choices, General Counseling, Decision Making Paper, Code of Conduct Review, Reflection Paper/Activity
	Level III – gambling with substantial impact on community; third Level I violation or second Level II violation	Minimum Suspension from ECU for 1 semester	Counseling Assessment, RESTART (OSRR Only), Follow-Up Meeting with OSRR Upon Return
.13. Gambling (continued)	Subsequent violations after student had been sanctioned to Level III	Expulsion from the University system	
.14. Hindering the University Conduct Process	Level I – hindering the process with minimal impact on community	Minimum 1 month of probation	Make Better Choices, General Counseling, Decision Making Paper, Code of Conduct Review, Reflection Paper/Activity
	Level II – hindering the process with moderate impact on community; second Level I violation	Minimum 4 months of probation	Make Better Choices, General Counseling, Decision Making Paper, Code of Conduct Review, Reflection Paper/Activity, Follow-up Meeting, Referral to Campus Resources, Responsibility Presentation
	Level III – hindering process with substantial impact on community; third Level I or second Level II violation	Minimum Suspension from ECU for 1 semester	Counseling Assessment, RESTART (OSRR Only), Follow-Up Meeting with OSRR Upon Return
	Subsequent violations after student had been sanctioned to Level III	Expulsion from the University system in extreme cases	
.15. Violation of University Policies	Level I – violation with minimal impact on community	Warning	Make Better Choices, General Counseling, Decision Making Paper, Code of

.15. Violation of University Policies (continued)			Conduct/Policy Review, Reflection Paper/Activity
	Level II – violation with moderate impact on community; second same policy Level I violation	Minimum 1 month of probation	Make Better Choices, General Counseling, Decision Making Paper, Code of Conduct Review, Reflection Paper/Activity, Follow-up Meeting, Responsibility Presentation
	Level III – violation with substantial impact on community; third same policy Level I or Level II violation	Minimum 4 months of probation	Make Better Choices, General Counseling, Decision Making Paper, Code of Conduct Review, Reflection Paper/Activity, Follow-up Meeting, Referral to Campus Resources, Responsibility Presentation
	Level IV – violation with significant impact on community; fourth same policy Level I, third Level II, or second Level III violation	Minimum Suspension from ECU for 1 semester. In extreme cases Expulsion from the University System	Counseling Assessment, RESTART (OSRR Only), Follow-Up Meeting with OSRR Upon Return

The North Carolina Drug Schedules

- **Schedule 1 Substances:** According to North Carolina General Statutes, Schedule I substances are opiates, opium derivatives, hallucinogenic substances, depressants and stimulants. These substances have a high potential for abuse and no practical medical use. Overall Schedule I substances have a lack of accepted safety. Schedule I substances include but are not limited to- *Heroin, LSD, Peyote, Mescaline, Psilocybin (“shrooms”), other hallucinogens, Methaqualone (Quaaludes), MDMA (Ecstasy.)* For a full list of Schedule I substances please see N.C. Gen. Stat. § 90-89
- **Schedule 2 Substances:** According to North Carolina General Statutes, Schedule II substances are narcotics derived from vegetable origin or chemical synthesis, opiates, depressants and hallucinogenics. These substances have a high potential for abuse and have accepted medical uses with severe restrictions. Abuse of this substances may lead to physical or psychological dependence. Schedule II substances include but are not limited to- *Phencyclidine (PCP), Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Seconal, Nembutal, Cocaine, Amphetamines, Dihydroetorphine, other opium and opium extracts and narcotics.* For a full list of Schedule I substances please see N.C. Gen. Stat. § 90-89
- **Schedule 3 Substances:-** According to North Carolina General Statutes, Schedule III substances are depressants, nalorphine, limited narcotic drugs, limited paregoric compounds, stimulants, anabolic steroids and hormones, GHA and Dronabinol. These substances have the potential for abuse, but have an accepted medical use. Abuse of these substances may lead to dependence. Schedule III substances include but are no limited to- *Certain barbiturates, such as Amobarbitol and Codeine, containing medicine, such as Fiorinal #3, Dioriden, Tylenol #3, Empirin #3. Codeine-based cough suppressants , such as Tussionex and Hycomine; all*

anabolic steroids, Rohypnol, Dronabinol, Ketamine in any drug. For a full list of Schedule III substances please see N.C. Gen. Stat. § 90-89

- **Schedule 4 Substances:** According to North Carolina General Statutes, Schedule IV substances are depressants, fenfluramine & pentazocine, stimulants, limited narcotic drugs, and other substances. These substances have a low potential for abuse, have accepted medical uses and abuse may lead to limited dependence. Schedule IV substances include but are not limited to-*Barbiturates, narcotics and stimulants, including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ioanmin (yellow jackets), GHB, Zaleplon, Modafinil.* For a full list of Schedule IV substances please see N.C. Gen. Stat. § 90-89

- **Schedule 5 Substances:** According to North Carolina General Statutes, Schedule V substances are depressants, some narcotics, and over the counter medicines with codeine. These substances have a low potential for abuse, have medical accepted medical use and may lead to limited dependence. Schedule V substances include but are not limited to - *Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as Terpene Hydrate with Codeine, Robitussin AC.* For a full list of Schedule V substances please see N.C. Gen. Stat. § 90-89

- **Schedule 6 Substances:** According to North Carolina General Statutes, Schedule VI typically consist of cannabis and cannabis derivatives. Abuse of these substances may lead to limited dependence. Schedule VI substances included but are not limited to - *Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol.* For a full list of Schedule VI substances please see N.C. Gen. Stat. § 90-89

Sanctioning Guidelines for Schedules I and II

(When applicable, a hearing officer/board may amend sanctions after considering mitigating and/or aggravating factors)

	1 st Violation	2 nd Violation	3 rd Violation	4 th Violation
Distribution of Schedule I and/or II drug <i>(Example: (with the intent to sell or deliver, sale or delivery (regardless of quantity or exchange of money), or manufacture)</i>	-Suspension or Expulsion based on the nature of the incident -Parental notification (under 21)	-Expulsion -Parental notification of expulsion (under 21)		
Possessing &/or Using Schedule I and/or II drug <i>(Example: Possessing and/or using drugs; misusing prescription or counterfeit drugs; consuming, including</i>	-Deferred Suspension for Minimum One Semester -Notation that the next alcohol/drug violation will lead to suspension -Possible RESTART OR	-Expulsion -Parental notification of expulsion (under 21)		

<p><i>huffing or sniffing, any substance not intended for such use)</i></p>	<ul style="list-style-type: none"> -Suspension for Minimum One Semester -University Ban -Petition for Re-enrollment -Prior to reenrollment, proof of successful completion of an off-campus drug counseling and treatment program as well as proof of drug-free status (30 days prior to return) -Possible drug screening(s) -A note that the next alcohol/drug violation will lead to expulsion -Follow Up meeting with OSRR upon return from Suspension -Parental notification of suspension (under 21) 			
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Sanctioning Guidelines for Schedules III, IV, V, and VI

(When applicable, a hearing officer/board may amend sanctions after considering mitigating and/or aggravating factors)

	1 st Violation	2 nd Violation	3 rd Violation	4 th Violation
<p>Paraphernalia</p> <p><i>(Example: Possessing drug paraphernalia)</i></p>	<ul style="list-style-type: none"> -BASICS I (group sessions and individual counseling sessions) -\$75 Campus Intervention Fee -Minimum Probation (1 month) -Parental notification (under 21) 	<ul style="list-style-type: none"> Referred to BASICS II assessment and possible participation in a counseling and treatment program) -\$115 Campus Intervention Fee -Minimum Probation (4 months) in addition to any unexpired probation -Possible Removal from housing -Parental notification (under 21) 	<ul style="list-style-type: none"> -Minimum Deferred Suspension for Two Semesters <i>(administered through OSRR/Conduct Board or approved CLC Officer)</i> -Notation that the next alcohol/drug violation will lead to suspension -Possible RESTART -Parental notification (under 21) 	<ul style="list-style-type: none"> -Minimum Suspension for One Semester -University Ban -Petition for Re-enrollment -Prior to reenrollment, proof of successful completion of an off-campus drug counseling and treatment program -Proof of drug-free status (30 days prior to return) -A note that the next alcohol/drug violation will lead to suspension/expulsion -Follow Up meeting with OSRR upon return from Suspension -Parental notification of suspension (under 21)

<p>Possessing &/or Using Drugs <i>(Example: Possessing and/or using drugs; misusing prescription or counterfeit drugs; consuming, including huffing or sniffing, any substance not intended for such use)</i></p>	<p>-BASICS I group sessions and individual counseling sessions) -\$75 Campus Intervention Fee -Minimum Probation (4 month) -Possible Removal from housing -Parental notification (under 21)</p>	<p>-Referred to BASICS II assessment and possible participation in a counseling and treatment program) -\$115 Campus Intervention Fee -Minimum Probation (4 months) in addition to any unexpired probation -Possible Removal from housing -Possible drug screening(s) -Notation that the next alcohol/drug violation will lead to suspension -Parental notification indicating that suspension is probable on the next violation (under 21)</p>	<p>-Minimum Deferred Suspension for Two Semesters -Notation that the next alcohol/drug violation will lead to suspension -Possible RESTART OR -Minimum Suspension for One Semester -University Ban -Petition for Re-enrollment -Prior to reenrollment, proof of successful completion of an off-campus drug counseling and treatment program as well as proof of drug-free status (30 days prior to return) -Possible drug screening(s) -A note that the next alcohol/drug violation will lead to expulsion -Follow Up meeting with OSRR upon return from Suspension -Parental notification of suspension (under 21)</p>	<p>-Minimum Suspension for Two Semesters -University Ban -Petition for Re-enrollment -Prior to reenrollment, proof of successful completion of an off-campus drug counseling and treatment program -Proof of drug-free status (30 days prior to return) -A note that the next alcohol/drug violation will lead to expulsion -Follow Up meeting with OSRR upon return from Suspension -Parental notification of suspension (under 21)</p>
	<p>1st Violation</p>	<p>2nd Violation</p>	<p>3rd Violation</p>	<p>4th Violation</p>
<p>Distribution <i>(Example: with the intent to sell or deliver, sale or delivery (regardless of quantity or exchange of money), or manufacture)</i></p>	<p>-Minimum Suspension for Two Semesters -University Ban -Petition for Re-enrollment -Prior to reenrollment, proof of successful completion of an off-campus drug counseling and treatment program -Proof of drug-free status (30 days prior to return) -A note that the next alcohol/drug violation will lead to expulsion -Follow Up meeting with OSRR upon return from Suspension -Parental notification of suspension (under 21)</p>	<p>-Expulsion -Parental notification of expulsion (under 21)</p>		

SUSPENSION LEVEL MARIJUANA SANCTIONING GUIDELINES			
AMOUNT (g)	MINIMUM ADMINISTRATIVE SANCTIONS		EDUCATIONAL SANCTIONS FOR SUSPENSION LEVEL CASES
	PERSONAL	DISTRIBUTION	
< 16 (g)	Probation: 4 Months*	Suspension: 1 Semester	1. Off-Campus Assessment and Treatment 2. Petition to Re-Enroll 3. University Ban
17 – 32 (g)	Deferred Suspension: 1 Year*	Suspension: 2 Semesters	
33 – 64 (g)	Suspension: 1 Semester	Suspension: 3 Semesters	
65 – 96 (g)	Suspension: 2 Semesters	Suspension: 4 Semesters	
97 – 150 (g)	Suspension: 3 Semesters	Suspension: 5 Semesters	
> 150 (g)	Suspension: 4 Semesters	Suspension: 6 Semesters	

FACTORS TO BE CONSIDERED

- This is intended for ONLY Marijuana and first-time violation of possession or distribution.
- This does not consider prior conduct history or any mitigating/aggravating factors.
- *Educational Sanctions for Non-Suspension Cases
 - May be referred to BASICS I or II

H. Student organization Conduct Process

STUDENT ORGANIZATION CONDUCT PROCESS STEP BY STEP



I. Resources for Students and Employees-

I. On-Campus Resources for Students

Campus Recreation and Wellness

252-328-6387

<https://crw.ecu.edu/>

Center for Counseling and Student Development

137 Umstead Hall

252-328-6661

<https://counselingcenter.ecu.edu/>

Collegiate Recovery Community/ECU Recovery

<https://collegiaterecovery.ecu.edu/>

Intercultural Affairs

Main Campus Student Center

252-737-5526

<https://interculturalaffairs.ecu.edu/>

Office and Student Rights and Responsibilities

364 Wright Building

252-328-6824

<https://osrr.ecu.edu/contact-us/>

Student Activities and Organizations

Main Campus Student Center

252-737-1808

<https://sao.ecu.edu/>

Student Health Services

252-328-6841

<https://studenthealth.ecu.edu/>

II. Resources for Employees

ECU Faculty and Staff Assistance Program (FASAP):

GuidanceResources Online is your one stop for expert information on the issues that matter most to you (relationships, work, school, children, wellness, legal, financial, free time, and more).

This service helps you address stress, relationship, and other personal issues you and your family may face. It is staffed by Guidance Consultants – highly trained master’s and doctoral level clinicians who will listen to your concerns and quickly refer you to in-person counseling for up to 3 sessions per issue per year related to challenges such as:

- Stress, anxiety, and depression
- Relationship/marital conflicts
- Problems with children
- Job pressures
- Grief and loss
- Substance abuse
- Legal Support and Resources
- Financial Information and Services
- Work-Life Balance
- Child and elder care
- Moving and relocation
- Making major purchases
- College planning
- Pet care
- Home repair

**Please Note: Temporary employees, students (including graduate students), and individuals in visitor/no-pay status are not eligible to access ECU FASAP services.*

GINGER BEHAVIORAL HEALTH COACHING

Chat with a coach via text in the Ginger Emotional Support app. You’ll be able to schedule regular sessions with a coach or just use Ginger behavioral health coaching on-demand when you need immediate support.

Ginger coaches are trained professionals with an advanced degree and/or coaching certification. They have at least two years of professional work experience and undergo 200+ hours of specialized training each year. When you use Ginger behavioral health coaching, you can expect to receive thoughtful and

judgment-free coaching. Your Ginger coach will help you map out a plan to reach your goals and stick with you along your journey.

A licensed therapist or psychiatrist can be added to your care team if you need extra support. Therapy and psychiatry sessions are video-based and available evenings and weekends to fit your schedule.

Note: If you use Ginger Therapy and Psychiatry services, your sessions may be covered under the State Health Plan. Applicable deductibles and copays for an office visit will apply.

Employees are advised to seek information from the Human Resources/Benefits Department regarding leave available to attend long-term treatment. Employees are encouraged to contact Blue Cross/Blue Shield State Health Plan Benefits department to obtain information about specific insurance coverage for Substance Use /Mental Health Treatment.

For more information on NC State Employees Family and Medical Leave Act visit:

<https://oshr.nc.gov/documents/files/family-and-medical-leave/open>

III. Other On-Campus Resources (students and employees)

ECU Family Therapy Clinic

612 E. 10th St.
Greenville, NC 27858
252-737-1415

ECU PASS Clinic

311 Rawl Building, ECU
Greenville, NC 27858
252-737-4180

Navigate Counseling Clinic

4410 Health Sciences Building
Greenville NC 27858
252-744-0328

IV. Community Resources

Trillium Health Resources

24-Hour Access to Care Line 1.877.685.2415 (Toll Free)

<https://www.trilliumhealthresources.org/>

REAL Crisis

A non-profit agency offering free 24/7 counseling and an extensive referral service.

252-758-4357

<http://realcrisis.org/>

SAMSHA

<https://www.samhsa.gov/find-treatment>

Rehabilitations Programs:

The treatment facilities are listed only as options and are not affiliated with ECU in any way. ECU does not endorse the facilities in any way. The best way to determine the best fit for your treatment needs is to contact the agencies to gather more information.

GRC - Greenville Recovery Center-Outpatient

622 South Memorial Dr.

Greenville NC 27834

Phone: (252) 353-2555

<http://www.methadonetreatmentcenters.com/index.html>

PORT Health

Multiple outpatient clinics/facility-based crisis centers in and around Greenville, NC and the surrounding areas.

<https://www.porthealth.org/treatment/adult-services/alcohol-substance-usetreatment/medication-assisted-therapy>

Wilmington Treatment Center

Addiction Rehab Center and Recovery Hospital

2520 Troy Dr

Wilmington, NC 28401

(833) 490-4606

<https://www.wilmingtontreatment.com/about/contact/>

Walter B. Jones Center

Alcohol and Drug Abuse Treatment Centers (ADATCs)

2577 W. Fifth Street

Greenville, N.C. 27834

(252) 830-3426

<https://www.ncdhhs.gov/divisions/state-operated-healthcare-facilities/facilities/walter-b-jones-center>

Fellowship Hall

Specialty hospital treating adult women and men suffering from addiction to alcohol and/or drugs.

5140 Dunstan Road
Greensboro, NC 27405
(336) 621-3381
<https://www.fellowshiphall.com/>

Red Oak Recovery

Rehabilitation center with multiple programs focused on a variety of concerns.

631 Willow Creek Rd
Leicester, NC 28748
(886) 457-7426
<https://redoakrecovery.com/addiction-treatment-programs/>

Pavilion

Residential Treatment & Outpatient Services

241 Pavillon Place
Mill Spring, NC 28756
(828) 694-2300
<https://www.pavillon.org/>

Outpatient treatment options:

The treatment facilities are listed only as options and are not affiliated with ECU in any way. ECU does not endorse the facilities in any way. The best way to determine the best fit for your treatment needs is to contact the agencies to gather more information.

The below links will take you to a guide of providers for Alcohol and Drug concerns as well as other mental health concerns. You can set the specifications you would like for a provider in the search functions.

- <https://www.psychologytoday.com/us>
- <https://ecu.thrivingcampus.com/>

V. Self-Help Groups

For the most up to date times and locations for 12 Step Meetings:

Alcoholics Anonymous- <https://aagreenvillenc.net/>
<https://aa-intergroup.org/meetings/>

Narcotics Anonymous-<https://dea-na.org/meetings/>
<https://www.na.org/>
<https://ncregion-na.org/>

AI-ANON-(members are people, just like you, who are worried about someone with a drinking problem.) <https://ai-anon.org/>