

## Substance Abuse Policy

College of The Albemarle provides a safe and healthy environment for students to pursue academic excellence, technical and vocational training, career opportunities, and personal growth and development. Protecting this environment includes keeping it drug-free. College of The Albemarle may permit or request law enforcement personnel to conduct drug searches on College of The Albemarle property. Such searches may be performed by law enforcement officers on a random basis and/or when administration or law enforcement officers have a reasonable suspicion that illegal drugs may be present on campus. All searches will be executed in compliance with state and federal laws. Some programs have a more detailed substance abuse policy, which are outlined in the program's handbook.

This policy is guided by Chapter 18B of General Statutes of North Carolina, 21 CFR Part 1308, [the Drug Free Schools and Campuses \(EDGAR part 86\)](#) and other Federal Regulations. Under no condition will intoxicating liquor (defined as any beverage containing as much as one-half of one percent of alcohol), narcotics, illicit drugs, hallucinogens, barbiturates, or amphetamines, or the use of a "legal drug" not prescribed by a licensed physician be permitted in or on College property. Off-campus College-sponsored events are subject to the requirements of state and federal laws. Students representing the College at off-campus events are required to know and follow the Student Code of Conduct printed in the current College catalog. No student organization or club shall purchase, give away, or sell any aforementioned intoxicating beverage or substance. Anyone known to be under the influence of any aforementioned substance is prohibited from the College property. In addition, the introduction, possession, sale, exchange, and/or use thereof is expressly prohibited. Use of prescription medications in compliance with a prescribing physician's instructions shall not be considered a violation of this policy.

Students must inform the College in writing within five (5) working days of being convicted of a violation of any criminal drug statute or alcoholic beverage statute that occurred while on the College campus or while participating in college sponsored activities.

If work-study students working under federal grant monies are convicted of violating drug laws in the workplace, on College premises or as part of a college sponsored activity, they will be reported to the appropriate federal agency. As a condition of further employment on any federal government grant, the law requires all employees to abide by this policy.

Students receiving Federal Student Aid must abide by the Anti-Drug Abuse Act Certification printed on the Student Aid Report.

Any student violating any part of this policy shall be subject to disciplinary action under the Student Code of Conduct up to and including dismissal from the College. Completion of an approved drug abuse or alcohol rehabilitation program may be

imposed as a precondition for continued employment or enrollment or readmission at the College.

According to the DEA Drug Facts sheet,

- You can't predict the effect that a drug can have on you—especially if it's the first time you try it, and even if it's a small amount or dose. Everyone's brain and body chemistry are different. Everyone's tolerance for drugs is different.
- Using drugs (legal or illegal) and/or alcohol can lead to abuse, addiction, serious health problems, and even death.
- Drugs that are legal—prescription and over-the counter (OTC) medications—can be just as dangerous as illegal drugs.

Find out more information at: <http://www.dea.gov/druginfo/factsheets.shtml>

### Safe Harbor:

The College has a Safe Harbor rule for students. The College believes that students who have a drug and/or addiction problem deserve help. If any College student brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint based on the conduct disclosed by the student will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

**Note: Some programs include required, mandatory dismissal for drug use/abuse. Please consult your program handbook for more information.**

## **PENALTIES**

### **ALCOHOL RELATED PENALTIES**

#### **Definition of DWI:**

North Carolina's Safe Roads Act of 1983 did away with all of the state's previous drug- and alcohol-related driving laws and put everything under a single offense—driving while impaired, or DWI.

Your **blood alcohol concentration** (BAC) is the most common way NC determines whether you're legally impaired.

- **21 or Older:** 0.08%
- **Commercial drivers (CDL):** 0.04%
- **Younger than 21:** Any alcohol concentration
- **Prior DWI:** 0.04% \*

The state also looks at whether your physical or mental fitness is provably impaired by alcohol, drugs, or a combination of both.

\* If you have a prior DWI conviction and license reinstatement, you can't drive with a BAC of 0.04% or higher; however, this can depend on your driving record and whether you were charged and convicted after July, 1, 2001.

### **Additional Drug and Alcohol Crimes**

In addition to driving under the influence of alcohol and drugs, NC DWI laws prohibit:

- Having an open container in the vehicle if the driver is or has been consuming alcohol.
- Having an open or closed container in the passenger area of a commercial motor vehicle.
- Helping someone younger than 21 years old obtain alcohol. This includes buying or giving them alcohol, or lending an ID so they can buy alcohol.

### **DWI Penalties:**

NC DWI penalties are serious business. Based on your age, the offense number, and your license type, you face penalties like:

- Fines, including court costs and lawyer fees.
- License suspension or revocation.
- Jail time. For some offenses, the jail time is mandatory rather than possible.
- Community service.
- Higher car insurance rates.

Depending on your situation, you might also be required to enroll in an alcohol safety school or substance abuse assessment program.

You will also face penalties from the North Carolina Department of Transportation. These are known as Administrative penalties and are **in addition to any criminal or court penalties** you may face.

## **Administrative DWI Penalties:**

With Administrative penalties you may have your driver's license suspended when you are charged with a DWI, not convicted. This includes failing a chemical test or refusing a chemical test. If you fail a chemical test you will have your license suspended:

- 1st offense: 1 year.
- 2nd offense: 4 years (eligible for a hearing after 2 years).
- 3rd offense: Permanent (eligible for a hearing after 3 years).

If you refuse a chemical test you will have your driver's license revocation for a minimum of 30 days while you are given the option of a hearing. If you chose to accept a hearing you must contact the Division of Motor Vehicles at (919) 715-7000 to schedule a hearing.

If you are found guilty you will have your license suspended for 1 year.

If you are younger than 21 years old and caught doing any of the following, you'll lose your license for a pretrial period of 30 days, and then 1 year thereafter:

- Operating a motor vehicle with any measurable amount of alcohol in your system.
- Purchasing or attempting to purchase alcohol.
- Helping someone else purchase alcohol.
- Using a fraudulent driver's license or ID, or other falsified document to purchase alcohol.
- Using someone else's driver's license or ID to purchase alcohol.

Your judge will inform you of additional penalties, such as fines, court costs, and possible community service.

## **21 years old and older**

NC DWI penalties are based on your "level," and the judge uses mitigating factors to determine your level. Factors include your BAC, prescription medications, your current driving record, and other aspects of your DWI situation and overall driving history.

## **Minor in Possession of Alcohol Penalties:**

Minors who violate the laws against purchase, possession, or consumption; and adults who violate the law against giving alcohol to a minor or allowing a minor to use the adult's identification to obtain alcohol, will face charges of a Class 1 misdemeanor, which carries the consequences described below.

Convicted offenders will also have their conviction reports sent to the Division of Motor Vehicles. The division will revoke the offender's license for one year. (North Carolina Gen. Stat. Ann. Section 20-

17.3.) If the offender's license is already suspended, the one year revocation will begin when the current suspension ends.

Adult violators who gave alcohol to a minor or aided a minor in obtaining alcohol may be eligible for limited driving privileges. (North Carolina Gen. Stat. Ann. Section 20-17.3.) Check with your local court clerk to see if this privilege applies to your situation.

## DRUG RELATED PENALTIES

The penalties for possession and trafficking of drugs can be severe at both the federal and state level. The following charts explain each.

### FEDERAL TRAFFICKING PENALTIES

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or		PCP 100 grams or more pure	

	100-999 grams mixture		or 1 kilogram or more mixture	individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid				
Flunitrazepam (Schedule IV) 1 Gram or less		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of Other Schedule III Drugs		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		
Any Amount Of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

**Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances**

<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

Source: <http://www.dea.gov/druginfo/ftp3.shtml>

## **DRUG TRAFFICKING SENTENCING (G.S. 90-95(h)) IN NORTH CAROLINA**

Drug trafficking is not sentenced using the regular Structured Sentencing grid. Instead, a person convicted of drug trafficking must be sentenced as set out below, including the mandatory fine, regardless of his or her prior criminal record.

A person sentenced for trafficking may not be placed on probation unless the judge finds that the person has provided substantial assistance, as described below. Trafficking sentences must run consecutively with any other sentence being served by the defendant. However, when a trafficking offense is disposed of in the same proceeding as another conviction the court may impose concurrent sentences. *State v. Walston*, 193 N.C. App. 134, 141–42 (2008).

**Conspiracy to commit trafficking:** Conspiracies to commit trafficking offenses are punishable the same as the target offense. (G.S. 90-95(i))

**Attempted trafficking:** Attempts to commit trafficking are the same offense class as the target offense, but they are sentenced under the ordinary Structured Sentencing grid, not the special mandatory sentences for completed trafficking offenses. G.S. 90-98.

**Substantial assistance.:** The judge sentencing a defendant for trafficking may reduce the fine, or impose a prison term less than the applicable minimum, or suspend the prison term and place the defendant on probation when the defendant has provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals, if the sentencing judge enters in the record a finding that the defendant has rendered such substantial assistance. G.S. 90-95(h)(5). The assistance offered need not be limited to accomplices, etc., involved in the defendant's individual case; the court is permitted to consider the defendant's assistance in the prosecution of other cases. *State v. Baldwin*, 66 N.C. App. 156 (1984). The determination of whether or not the defendant has provided substantial assistance is within the discretion of the trial court. *State v. Hamad*, 92 N.C. App. 282 (1988). Even when the court finds substantial assistance, the decision to reduce the defendant's sentence is in the court's discretion. *State v. Wells*, 104 N.C. App. 274 (1991). When substantial assistance applies, the court may select a minimum sentence of its choosing; it is not bound by the regular sentencing grid. *State v. Saunders*, 131 N.C. App. 551 (1998). However, to aid in the administration of the sentence, the court should probably order a maximum that is 120% of the imposed minimum plus additional time for post-release supervision, as appropriate.

**Post-release supervision.:** The applicability of the post-release supervision law to drug trafficking sentences has changed over time in response to the Justice Reinvestment Act and related legislation. See G.S. 15A-1368.1.

Offenses committed before 12/1/11:

- Class C–E trafficking offenses receive 9 months of PRS;
- Class F–H trafficking offenses receive no PRS.

Offenses committed on/after 12/1/11 to 11/30/12: PRS applicability unclear. See Jamie

Markham, Revised Drug Trafficking Chart, N.C. Criminal Law Blog (Aug. 1, 2012), for a detailed discussion.

Offenses committed on/after 12/1/12:

- Class C–E trafficking offenses receive 12-month PRS;
- Class F–H trafficking offenses receive 9-month PRS.

**MINIMUM–MAXIMUM SENTENCES FOR DRUG TRAFFICKING CRIMES, BY OFFENSE CLASS**

Offense committed before 12/1/12

Class	Minimum (in months)	Maximum
Class C	225	279
Class D	175	219
Class E	90	117
Class F	70	84
Class G	35	42
Class H	25	30

Offense committed on/after 12/1/12

Class	Minimum(in months)	Maximum
Class C	225	282
Class D	175	222
Class E	90	120
Class F	70	93
Class G	35	51
Class H	25	39

Drug Amount

	Class	Fine (not less than)
Marijuana In excess of 10 lbs.–49 lbs. \$5,000	Class H	
50–1,999 lbs. \$25,000	Class G	
2,000–9,999 10,000 or more \$200,000	Class F Class D	\$50,000
Methaqualone 1,000–4,999 dosage units \$25,000	Class G	
5,000–9,999 10,000 or more \$200,000	Class F Class D	\$50,000
Cocaine 28–199 grams \$50,000	Class G	
200–399 400 or more	Class F Class D	\$100,000 \$250,000
Methamphetamine 28–199 grams \$50,000	Class F	
200–399 400 or more	Class E Class C	\$100,000 \$250,000
Amphetamine 28–199 grams	Class H	

\$5,000		
200–399	Class G	\$25,000
400 or more	Class E	\$100,000
Opium or Heroin 4–13 grams	Class F	
\$50,000		
14–27	Class E	
\$100,000		
28 or more	Class C	\$500,000
LSD 100–499 units	Class G	\$25,000
500–999	Class F	\$50,000
1,000 or more	Class D	
\$200,000		
MDA/MDMA 100–499 units/28–199 grams	Class G	
\$25,000		
500–999 units/200–399 grams	Class F	
\$50,000		
1,000 units/400 grams, or more	Class D	\$250,000
MDPV* 28–199 grams	Class F	
\$50,000		
200–399	Class E	\$100,000
400 or more	Class C	\$250,000
Mephedrone* 28–199 grams	Class F	
\$50,000		
200–399	Class E	\$100,000
400 or more	Class C	\$250,000
Synthetic In excess of 50–249 dosage units**	Class H	
\$5,000		

\*\*A "dosage unit" is 3 grams of synthetic cannabinoid or any mixture containing such substance.

Cannabinoids* 250–1,249	Class G	\$25,000
1,250–3,749	Class F	\$50,000
3,750 or more	Class D	
\$200,000		

\* Offenses committed on or after June 1, 2011. S.L. 2011-12.

Source: <http://nccriminallaw.sog.unc.edu/wp-content/uploads/2012/08/Drug-Trafficking-Sentencing-2012.pdf>

**For Assistance with a Drug or Alcohol Abuse Problem:**

College of The Albemarle will provide referrals to those who desire help with a drug or alcohol abuse problem. Students can contact any member of the Student Success and Enrollment Management department for a referral to local or national resources.

Local rehabilitation options include:

**Port Human Services:** (252) 331-2120

**Sentera Albemarle Hospital:** (252) 335-0531

**Albemarle Regional Health Services:** (252) 338-4400

**Dare County Department of Public Health:** (252) 475 9320

Other Resources:

**National Council on Alcoholism Information Line:** 1-800-NCA-CALL

**National Institute on Drug Abuse Hotline:** 1-800-662-HELP