

## **Queens University of Charlotte**

### **2015 Biennial Drug and Alcohol Abuse Prevention Program Review**

The Drug Free Schools and Campuses Act requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, Queens must have implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Creating a program that complies with the Act requires the College to (1) prepare a written policy on alcohol and other drugs; (2) annually distribute the policy in writing to every student and employee; and (3) prepare a biennial report on the effectiveness of the College's alcohol and drug abuse prevention programs and the consistency of policy enforcement. This report is intended to satisfy the requirement for preparing a biennial report.

### **Written Policy on Alcohol and Other Drugs – For Students**

In addition to North Carolina law, Queens University of Charlotte maintains the following policy for students. This policy is located in the Honor Code.

#### ***Alcohol***

Students who are 21 years of age or older may possess and/or consume alcohol in their residence hall room or in the room of another student who is 21 years of age or older. Students who are of legal drinking age, living with students who are not of legal drinking age, are permitted to possess alcohol in their rooms. Students who are of legal drinking age living off campus are held to state and federal laws regarding alcohol consumption and subsequent behavior, but certain behavior that occurs as a result of excessive drinking can be considered a violation of the Queens Honor Code (e.g. fighting, sexual misconduct, property damage).

The following are not allowed at Queens University of Charlotte and are considered violations of the alcohol policy:

- Possessing or consuming alcohol if under 21 years of age.
- Possessing or consuming alcohol if 21 and older in the room of an underage student.
- Purchasing, furnishing, or serving alcohol to anyone not of legal drinking age.
- Driving under the influence of alcohol.
- Sponsorship of activities involving 10 or more students and the use of alcoholic beverages.
- Common containers of alcoholic beverages or excessive amounts of alcohol on University-owned property including but not limited to: kegs, pony kegs, party balls, bulk containers of bulk amounts of individual containers or other devices used for drinking games.
- High-risk drinking, drinking games and drinking game paraphernalia (including but not limited to: beer pong tables, funnels, etc.) are strictly forbidden because they encourage the abuse of alcohol.

- Possessing or consuming alcohol on a North balcony or patio.
- Public consumption and/or possession of alcohol in common areas of buildings and outdoor venues unless previously approved by the University as a special event.
- Possessing or consuming open containers and public display of open containers of alcohol carried around campus, regardless of age, outside of a residence hall room or University approved alcohol event.
- Dangerous intoxication. Being dangerously intoxicated includes but is not limited to being unresponsive and/ or incoherent, staggering, slurring speech, and/or acting in a disruptive manner. In situations where a traditional student is believed to be dangerously intoxicated, the Dean of Students or designee will contact the parents or guardians to notify them of the situation.
- Hosting an underage visitor/guest who possesses or consumes alcohol. You will be held responsible for any and damages or violations caused by your guest.
- Public intoxication regardless of age.
- During times of emergency or crisis on campus, the Dean of Students may designate the campus as “dry,” meaning no students may possess or consume alcohol, regardless of age. Possessing or consuming alcohol during a designated “dry” period is considered a violation of the alcohol policy.

### **Alcohol at Events**

Recognized student club and organizations may host events on campus with alcohol. Students and student organizations are expected to conduct themselves in accordance with all local, state, and federal laws, as well as with the policies in the Honor Code booklet, and they assume full responsibility for their activities and events. The University assumes no responsibility for any liability incurred at any event not sponsored by the University where alcohol is served and/or sold. Student organizations wanting to host an event where alcohol is provided must complete a Student Alcohol Event Request, available through the Office of Student Activities. They must return the completed form two weeks prior to the event. Student organizations will then meet with the Director of Student Activities to review the detailed alcohol event guidelines and policies before the event will be approved.

The following are guidelines for students attending and consuming alcohol at approved events:

- All students who are 21 years of age or older must have a wristband in order to consume alcohol.
- Students must present a government issued ID in order to obtain a wristband.
- Any student found to be dangerously intoxicated, behaving inappropriately, violating any laws, or acting in a disruptive manner may face judicial charges through Queens and/or criminal charges.
- Students are responsible for the possession and security of their own alcoholic beverages. It is the responsibility of the of age student to be sure his or her drink is not consumed by anyone who does not have a wristband.
- Underage drinking at any alcohol event is prohibited.

### **Alcohol Allowed:**

- Only 12 ounce beers, containing no more than 6% alcohol are allowed. For outdoor events, beer must be in cans or poured into cups.
- Wine must be served in 4 oz. cups.

## **Drugs**

The use, possession, presence, sale and/or distribution of illegal drugs (as defined by federal, state and local laws) and/or drug paraphernalia (including hookah pipes) on and/or off campus can lead to disciplinary action and/or possible criminal action. The use of illegal drugs is physically and mentally harmful and often interferes with the user's ability to function adequately in his/her academic and social life and often impinges upon the social and academic rights of the rest of the community. It is also illegal to use and/or possess prescription drugs NOT prescribed to you and/or sell your own prescription drugs and as such can lead to disciplinary action. Under the "Imminent Danger" policy listed below special efforts are made to prevent the presence of illegal drugs on campus, including but not restricted to the immediate removal from residence of any student found with illegal drugs and/or selling their own prescription drugs on campus.

### **Imminent Danger/Temporary Administrative Suspension**

It is the responsibility of the Dean of Students Office to ensure the health and safety of all students at all times. On occasion, it may be necessary for the Dean of Students office to act swiftly to protect the health and safety of the Queens community and to ensure the educational process on campus is not disrupted.

To that end, on rare occasions the Dean of Students may determine a student to be an "imminent danger" to themselves or others and that student may immediately, through administrative action, be removed from residence and/or temporarily administratively suspended from the University. Imminent danger is defined as "more likely than not" to result in harm to self or others. Some examples include, but are not limited to, threats of harm to others, using/possessing illegal drugs on campus, self-injurious behavior, possession of a weapon, etc. On most, but not all, occasions the Dean of Students will consult with the University's Behavioral Assessment Team (BAT) to make such determinations. The BAT is comprised of four members including the Associate Provost & Dean of University Programs, AVP for Public Safety & Campus Police, the Director of Treasury and Risk Management, and the Dean of Students who chairs the team.

A student arrested for a criminal felony offense will by definition be considered an imminent threat to the community and be temporarily suspended pending the outcome of their trial and/or decision by the district attorney. Decisions about any administrative action can be appealed to the Vice President for Academic Affairs who retains final authority on such appeals.

Administrative removal from the residence halls or administrative suspension does not presume responsibility on the part of the accused student and will only be used when there is enough evidence to proceed with a judicial hearing before the appropriate hearing board. A judicial hearing will be held as soon as possible following any administrative removal or suspension. In nearly all cases, the student will be allowed on campus to attend their hearing. However, in situations where the Dean of Students believes there continues to be an immediate and on-going risk to the community s/he reserves the right to have the accused student's input at their hearing occur by phone. If the accused student is found not responsible by the appropriate hearing board, any administrative action taken against the student will

be immediately reversed. If the accused student is found responsible, any sanctions for the student will be determined by the hearing board.

## **HEARING BOARDS**

There are three boards used to adjudicate alleged community violations of the Queens University of Charlotte Honor Code. The appropriate board is selected by the Dean of Students, at his or her discretion, depending upon the nature and scope of the alleged violation. Details of each board are provided below. All boards are trained at the beginning of each academic year.

### **Campus Judicial Board (CJB)**

The Campus Judicial Board (CJB) is a student run board and branch of SGA charged with adjudicating alleged violations of the Community Honor Code. The CJB handles the majority of community violations adjudicated by a board. The Campus Judicial Board is comprised of: The Chief Justice (votes only in the event of a tie between the voting members of the CJB), five Executive Panel members (voting members), a faculty advisor (non-voting member), and a representative of the Dean of Students Office (non-voting member). The Chief Justice and/or CJB Advisor will meet with any accused student before the hearing at the student's request. At this meeting the student is advised of his/her rights, the judicial process is reviewed, and any questions the accused student has regarding the hearing or the judicial process will be answered. Disciplinary sanctions imposed by the CJB do not become effective until the Dean of Students has approved the sanction.

### **Community Hearing Board (CHB)**

The CHB consists of five voting members: two students (selected from the following: Student Government Association Executive branch, Campus Judicial Board, and the Honor Council), and three faculty members (selected from the following: CHB Faculty Advisor, Honor Council Faculty Advisor, or an At-Large Faculty Member). The CHB is chaired by the Dean of Students or his/her designee in a non-voting capacity and is available to answer any questions from any party involved in a judicial case. The CHB is most often, although not exclusively, called upon to handle matters involving a victim, repeat offenses, and/or particularly egregious violations of the Honor Code. Disciplinary sanctions imposed by the CHB become effective immediately, unless and until an appeal is granted.

### **Sexual Misconduct Hearing Board (SMB)**

The Sexual Misconduct Hearing Board is charged with hearing and adjudicating alleged violations of the Sexual Misconduct policy for all students. This Board consists of five voting faculty and staff members specifically trained to adjudicate incidents of sexual misconduct. The Sexual Misconduct Board is chaired by the Dean of Students or his/her designee in a non-voting capacity. The Dean of Students will meet with both the complainant and respondent to review the process and answer any questions regarding the case. Disciplinary sanctions imposed by the SMB become effective immediately, unless and until an appeal is granted.

### **III. GENERAL VIOLATION PROCEDURES**

All cases involving an alleged violation of the Queens Honor Code follow the same basic structure. This structure assures the integrity and fundamental fairness of the process. Any student accused of a policy violation, whether academic or community is encouraged to review the policies and procedures contained within this document and discuss them with the appropriate dean or dean's designee to clarify their rights as an accused student. While there are slight differences in how academic and community violations are handled, the procedures and expectations listed within this booklet provide an outline of what every student can expect from this process.

#### **JUDICIAL PROCESS FOR ALLEGED VIOLATIONS**

The procedures and expectations listed below provide a general outline of what every student can expect from the campus judicial process.

##### **Notifications**

###### **Incident Report**

A report is filed with the appropriate dean's office indicating a violation of the Queens University of Charlotte Honor Code. Alleged violations of the academic portion of the Honor Code are referred to the Associate Provost and Dean of University Programs. Alleged violations of the community portion of the Honor Code are referred to the Dean of Students.

###### **Notification Letter**

All students have the right to know the charges filed against them and hence which policy has allegedly been violated. The charge letter must be sent to the student's Queens e-mail account (a copy may also be sent to their MSC Box or off-campus address) requesting a meeting with the dean or his or her designee. Students are given 72 hours to reply to the charge letter in writing or in person confirming receipt of the letter and making an appointment to discuss the charges.

###### **Informal Meeting with Dean and/or Designee**

During the initial meeting with the dean and/or the dean's designee the student will review all documents and discuss the allegations. The dean and/or the designee may at this time determine it is appropriate to drop the charges, refer the case to a hearing body, or offer a sanction. If the charges are dropped the file is closed and the incident report is discarded. If a sanction is proposed the student may:

- Accept responsibility for the alleged violation, thereby waiving his/her right to a hearing. In doing so, the student accepts the sanction deemed appropriate by the dean.

- Not accept responsibility and/or the sanction and choose to have the case heard by an appropriate hearing body.
- If the case involves an academic matter it will be heard by the Honor Council. In community cases the case may be referred to either the Campus Judicial Board (most likely), the Community Hearing Board (cases involving a victim, repeat offenses, and/or particularly egregious violations of the Honor Code), or the Sexual Misconduct Hearing Board (all cases of alleged sexual misconduct). The decision of which board shall hear the case is made at the discretion of the dean and/or the dean's designee.

## **Hearing Notification**

Official notice regarding the time, date, and location of the board hearing and a reiteration of the charges will be communicated to the student in writing to his/her Queens e-mail, MSC Box, or off-campus address. The notice will be delivered at least 72 hours before the date of the hearing, to allow the accused student adequate time to prepare for the hearing. Students may request to waive their right to 72 hours of notice by putting such requests in writing to the University official who has contacted them about meeting about their alleged violation. Students most often request to waive their right to 72 hours of notice at the end of the semester. Hearings for alleged violations must occur within 30 business days of the alleged violation (excluding break periods and periods when class is not in session) except in situations necessitating an investigation, or cases involving local, state, or federal authorities.

## **Rights Of The Complainant And/or Respondent**

### **Right to Present Evidence**

Students have the right to present evidence -- for example, a written statement on their behalf. Anything the student wishes to present during their hearing must be provided to the appropriate judicial body at least 48 hours in advance of the scheduled hearing. Evidence must relate directly to the case and cannot be character references, comments from family members or friends, or other extraneous information. The chair of the hearing will decide what constitutes appropriate and inappropriate evidence.

### **Right to Reject Hearing Body Member**

An accused student has the right to request that any one student, faculty member or staff member be removed from a hearing body. Only one such request may be made and it must be in writing, at least 48 hours prior to the hearing (as stated above the University must provide a hearing notification, including a list of members of the hearing body, at least 72 hours prior to the hearing). The dean or dean's designee will consider the request and render a decision within 24 hours of the hearing. If the request is honored, an appropriate replacement may be sought. However, if deemed necessary by the dean and/or the dean's designee, the hearing may move forward without a replacement.

### **Right to an Advisor**

An advisor may assist an accused student at his/her hearing. The advisor must be a current Queens University of Charlotte student, faculty, or staff member. Any member of the hearing body may serve as an advisor for the case in question. The advisor cannot speak for the accused student; he/she may only advise the student. In rare cases that could be pursued in criminal and/or civil court, such as sexual misconduct cases, the Dean of Students may permit an individual outside the university community to serve as an advisor. If an advisor is a member of the hearing body he/she can no longer serve as a member of the hearing board. The accused student must notify the appropriate judicial body at least 48 hours in advance of a hearing if he/she intends to bring an advisor. It is the student's responsibility to communicate with his/her advisor the details of the hearing and case.

### **Right to a Quorum**

Each hearing body has a clear outline of hearing body members and the number of members needed to be present for a hearing to be convened, this constitutes a quorum. Occasionally a quorum may not be able to be reached due to an emergency or other extenuating circumstance. On the rare occasion this occurs the hearing will be rescheduled or the student may choose to waive his/her right to a quorum. If the student chooses to waive this right, the absent member will no longer provide as procedural error or grounds for an appeal.

### **Privacy of the Hearing**

All hearings will be closed to those persons not directly involved in the hearing.

### **Participation at the Hearing**

Respondents have the right to represent themselves at the hearing. If a respondent cannot be physically present at the hearing, the chair may allow him/her to participate remotely using technology (phone, Skype, etc.). If remote participation is necessary, the respondent must send a request in writing to the hearing chair 48 hours prior to the hearing. The chair may also allow others (witness, faculty, board member, etc.) to use technology to be present if necessary.

### **Burden Of Proof**

The Hearing Body will determine, by majority vote, whether a student is responsible for the violations he/she is accused of during the hearing. The determination will be based on the standard of whether it is "more likely than not" that the accused student has committed a violation. A student may be found responsible for a lesser charge if, after review of the reports and the course of the hearing, it becomes evident that a lesser offense has been committed. All materials upon which a decision may be based must be introduced for consideration at the hearing. Findings in the case will be based only on evidence submitted during the hearing.

## **Violations Discovered During A Hearing Or Investigation**

On occasion, violations are discovered during a hearing or the investigation process. These violations may not go through the normal process and therefore be adjudicated at the time they are discovered.

## **HEARING OUTLINE**

All hearings will proceed in the following order (some variations may exist depending upon the hearing body):

1. Introductions (Board/Council introduces themselves)
2. Chair asks student to take an oath
3. Reading of the Charge(s) (charges read and clarified by chair)
4. Student Plea (responsible or not responsible)
5. Presentation of evidence or opening statement by the accused student or witness (not in the same room at the same time)
6. Questions by members of the Hearing Board or Council
7. Closing remarks by the accused student or witness
8. Deliberation by the Hearing Board or Council (finding of responsible/not responsible and any sanctions as the result of a finding of responsible)
9. Notification of Findings - After the deliberation portion of the hearing, the accused student will be notified verbally and in writing of the findings in the case at the hearing. Written findings will also be communicated to the accused student through his/her Queens email address, MSC Box, and/or local or home permanent address.

## **DISCIPLINARY RECORDS**

All formal disciplinary records will be kept in the student's file in the Dean of Students Office for a period of seven years after the student separates from the University. Any sanctions involving suspension, expulsion, or dismissal will be kept on file permanently in the Dean of Students' office. All records are sole property of Queens University of Charlotte. Graduate student records are kept in the Office of Academic Affairs.

## **SANCTIONS FOR VIOLATIONS OF THE HONOR CODE**

While each hearing officer and judicial board may impose their own sanctions for violations of the Honor Code below is a listing of the general categories available for both academic and community violations.

**Disciplinary Warning:** An official written clarification that a student's behavior is in violation of university regulations or standards. Disciplinary Warnings are often used for minor, first-time violations, although this is not always the case.

**Disciplinary Reprimand:** An official written notification that a student's behavior is in violation of University regulations and standards and is not acceptable in the Queens community. Additional sanctions, such as restitution, community service, fine, etc, might be coupled with a Disciplinary Reprimand.

**Deferred Disciplinary Probation:** An official written notification that a student's behavior is in serious violation of University regulations and standards and that the student's standing with the university is in jeopardy. Any additional violations during the Deferred Disciplinary Probation period will automatically result in at least Disciplinary Probation for the minimum of one semester. The sanctioning body may issue a more severe sanction in addition to Disciplinary Probation if it sees fit. Students may continue to represent the university while on Deferred Disciplinary Probation.

**Disciplinary Probation:** Probation for a period of time equivalent to at least one semester, but no more than three semesters or one academic year, indicating that the individual's standing with the University is in jeopardy and that further negligent or willful violation will normally result in suspension, dismissal, or expulsion. During this period of Disciplinary Probation the student may not represent the University in any form or fashion, including University athletic competition, student leadership positions or any non-academic pursuit. However, the student may attend social, athletic, or non-academic events as a spectator.

**Social Probation:** Probation for a period of time determined at the discretion of the hearing body, indicating that the individual is not to participate in social activities at the University. Social Probation restricts the student from attending programs and activities sponsored by and for the University community unless such attendance is an academic requirement.

**Removal From Residence Halls:** Prohibits the student from residing in any University-operated residence hall on either a temporary (as a guest) or permanent basis. The student may reapply for housing after the stated period of suspension. Specific restrictions on access to residence halls during this period of suspension may also be invoked. Suspension usually includes forfeiture of any fee rebate for the remainder of the semester.

**Community Service:** When deemed appropriate, the judicial body may also require the performance of a specified number of community service hours. This sanction will be fulfilled either on or off-campus. On-campus service will be in a designated department.

**Educational Sanction:** When deemed appropriate, the judicial body may require performance of a variety of educational sanctions. These may include a formal apology (in writing and/or in person) or a public presentation or workshop on a designated topic. Educational sanctions also include required counseling or issues exploration and testing. These services, if off-campus, are to be at the student's expense.

**Restitution:** When deemed appropriate, the judicial body may require restitution for damages or other payment of expenses incurred as a result of the student's actions. Restitution may be

required to the University, a specific department or a specific individual as determined by the hearing.

**Fines:** When deemed appropriate, the judicial body may levy fines payable to the university. Fines will be used for student educational programs and/or the publication of the Queens Honor Code.

**Suspension:** Separates the student from the University for a specific period of time. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings unless by written permission. Reapplication for admission to the University is not required following a term of suspension.

**Dismissal:** Separates the student from the University for a period of time no less than two full semesters and no greater than four academic years. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings unless by written permission. An individual wishing to resume studies after having been dismissed must reapply for admission to the university.

**Expulsion:** Separates the student from the University. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings. An individual who has been expelled is ineligible for readmission to the University.

## **APPEALS**

### **Process And Grounds For An Appeal**

In the interest of fairness, the recipient of disciplinary action has the right to appeal if sufficient grounds have been determined. It is the responsibility of the body of original jurisdiction to inform the disciplined student of the right to appeal and to whom the appeal should be presented. All appeals must be submitted in writing to the appropriate dean within 48 hours of the original hearing.

Appeals must specify grounds that would justify consideration. General dissatisfaction with the outcome of the decision will not be basis for consideration of an appeal. The grounds for considering an appeal is the presentation of facts that indicate:

- An error in procedural process by the body of original jurisdiction that prejudiced the disciplined student to the extent that the student was denied a fundamentally fair hearing as a result of the error; or
- The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and that, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body; or
- A sanction of suspension, expulsion or dismissal results in automatic grounds for an appeal; however, the student must submit a written request within 2 business days of

the original hearing. If the student does not submit a written request within the 2 business days, an appeal will not be granted.

The appropriate dean (as outlined in procedures above) will make a determination within 5 business days as to whether sufficient grounds for appeal, based on the standards above, have been alleged. Appeals that do not allege sufficient grounds will be denied consideration and will be dismissed. Appeals that do allege sufficient grounds will be accepted for consideration and a hearing will be held within 30 business days of that decision. The dean may, at his or her own discretion, permit written or oral statements from the concerned parties at the time of appeal.

The decision concerning the scope of the appeals hearing will be made by the dean in consultation with relevant parties and will be shared with the accused student at the time the appeal is approved or denied. The appeal may or may not be limited to the verdict, sanction, or both and will be based on the grounds for appeal and the best judgment concerning fundamental fairness. This may or may not necessitate the entire case being reheard in compliance with Title IX and the Office of Civil Rights procedures, sexual misconduct complainants also have the right to an appeal following the same procedures listed above.

The appeal hearing will be conducted by the appropriate appellate body, chaired by a different person than the initial hearing. The options available to the appellate body, based on the grounds and scope of the appeal, are:

- Sustain the verdict and sanction
- Sustain the verdict, but alter the sanction
- Reverse the verdict
- Remand it to the original judicial body (to reconsider the penalty)

The Vice President for Academic Affairs retains final authority on all appeals for community violations of the Honor Code for all graduate students.

### **Appeals Board**

The Appeals Hearing Board shall consist of five voting members, including three faculty members (selected from the following: Chair of the Faculty Council, CJB Advisor, Honor Council Advisor, and /or a Faculty Member at Large) and two students (selected from the following: SGA President and/or an Executive Council Member, Honor Council President and/or another Honor Council Member, and the CJB President and/or a CJB Member). In cases of sexual misconduct, the appeals hearing board shall consist of five faculty and staff members specifically trained to adjudicate these cases.

The Associate Provost and Dean of University Programs will serve as the chair for the Appeals Hearing Board for academic violations of the Honor Code. The Dean of Students shall serve as chair for the Appeals Hearing Board for cases emanating from the CJB or CHB, or SMB. In the event the Dean of Students or Associate Provost and Dean of University Programs is

unavailable, has chaired the previous case, or has been asked to step down by one or more parties, an academic dean will chair the Appeals Hearing Board.

Individuals who served in a voting capacity for the original hearing either with the Honor Council, Campus Judicial Board, Community Hearing Board, or Sexual Misconduct Hearing Board are not allowed to serve in a voting capacity on an Appeals Hearing Board case.

### ***Mental Health services for alcohol/drug counseling***

Students who are sanctioned or are in need of alcohol/drug assessments/rehabilitation are referred to [Anuvia Prevention and Recovery Center](#) or at [Assessment Solutions](#). Queens has an ongoing relationship with these centers to provide counseling, treatment or rehabilitation services to students.

## **Written Policy on Alcohol and Other Drugs – For Employees**

In addition to North Carolina law, Queens University of Charlotte maintains the following policy for employees. This policy is located in the Employee Handbook.

### **Drug-Free Workplace**

Queens is committed to preserving the health and well-being of our employees by providing a drug-free workplace. To achieve this objective, Queens prohibits the unlawful manufacture, distribution, dispensing, possession or misuse of a controlled substance at our facilities. A controlled substance may be an illegal drug, such as marijuana, or it may be a prescription drug. Further, Queens prohibits employees from reporting to work or working under the influence of alcohol, non-prescribed drugs, or prescribed drugs which induce an unsafe mental or physical state. Employees who must use medication prescribed by a doctor that may affect job performance or safety must contact the director of Human Resources. Occasionally, alcohol may be served at certain university-sponsored social events which employees may attend. Any employee who chooses to consume alcohol during these functions is expected to behave responsibly. Abuse of alcohol will not be tolerated. Employees who are convicted under a criminal drug statute for a drug-related violation occurring in the workplace are required to notify the director of Human Resources no later than five days after such conviction.

Violations of this policy will result in disciplinary action up to and including termination of employment or the successful completion of a rehabilitation program. The determination of which action is appropriate in each case rests with the university. All employees are covered by this policy and are subject to the same disciplinary actions.

The use of drugs is a serious problem in our society and the effects are widespread. Severe health problems such as liver ailments, muscle deterioration, blood diseases, brain damage and death can occur with even a single use of drugs. For information about drug counseling

available in our area, employees may contact the Employee Assistance Program at 800.633.3353 or the director of Human Resources. All inquiries will be handled confidentially.

## Separation of Employment (Staff)

Employment at Queens University of Charlotte is "at-will," which means that either the employee or the university can terminate the employment relationship at any time, for any reason or no reason at all, with or without notice. Only a written agreement signed by the Queens' President can change an employee's at-will employment status.

### **Involuntary**

Involuntary separation occurs when the university initiates separation of employment. Some examples of involuntary termination include reduction in workforce, job elimination, termination for poor performance or attendance, or termination for cause. Any earned wages, including vacation, will be paid within two weeks of the date of termination of employment relationship.

### **TERMINATIONS AND DISMISSALS (Faculty)**

The Board of Trustees reserves the right, for adequate cause and after due process, to dismiss and terminate the appointment of any tenured or non-tenured faculty member during the period of his or her contract and appointment. Any such actions for cause shall be made pursuant to and in conformance with the due process procedures set forth in the following provisions.

The policies and procedures below do not apply to routine non-renewals or appointments of non-tenured faculty members.

#### **A. ADEQUATE CAUSE FOR DISMISSAL AND TERMINATION OF APPOINTMENT.**

Adequate cause for dismissal and termination of appointment of any tenured or non-tenured faculty member during the period of his or her contract and appointment shall be:

1. Incompetence,
2. Moral turpitude,
3. Gross neglect of duty,
4. Gross misconduct,
5. Medical disability on the part of the faculty member,
6. Bona fide financial exigency on the part of the University, or
7. Bona fide formal discontinuance by the University of a program or department of instruction, not mandated by financial exigency.

#### **B. DISMISSAL AND TERMINATION FOR INCOMPETENCE, MORAL TURPITUDE, GROSS NEGLECT OF DUTY, OR GROSS MISCONDUCT**

##### **1. Preliminary Proceedings**

If there appears to be adequate cause for dismissal and termination of appointment for reason of incompetence, moral turpitude, gross neglect of duty, or gross misconduct, the President and Provost and Vice President for Academic Affairs shall discuss the matter with the affected faculty member in an attempt to reach a mutually acceptable solution to the matter.

If a mutually acceptable solution to the matter cannot be reached, the President in consultation with the Provost and Vice President for Academic Affairs shall determine if further preliminary proceedings should be undertaken. If so, and as a further preliminary proceeding, the Provost and Vice President for Academic Affairs or the affected faculty member may then request informal inquiry and discussion of the issue by the Human Resources Office or the Faculty Personnel Committee (FPC), as appropriate.

If the Human Resources Office or the FPC does not succeed in effecting a solution within 14 days, it shall so advise the Provost and Vice President for Academic Affairs and affected faculty member and may recommend that formal proceedings should be undertaken.

## **2. Notice to Affected Faculty Member**

If the President decides that formal dismissal proceedings should be undertaken, the President shall in writing (1) so advise the affected faculty member; (2) provide the affected faculty member with a statement, framed with reasonable particularity, of the charges or grounds for dismissal and termination, and (3) advise the affected faculty member of his or her right, if timely requested, to the formal hearing described below.

## **3. Request for Formal Hearing**

After receipt of a notice that formal dismissal proceedings should be undertaken, the affected faculty member shall have 10 days to request of the President in writing the formal hearing herein provided and to include with such request the names of those two faculty members whom the affected faculty member chooses for membership on an *Ad Hoc Dismissal Appeals Committee*. If such request is not received by the President within said period, then such formal hearing shall be deemed waived by the affected faculty member.

If the affected faculty member makes a timely written request for a formal hearing, then such a hearing shall occur no sooner than 14 days nor later than 28 days from the date of receipt by the President of such request for formal hearing, and the President shall give the affected faculty member at least 10 days prior written notice as to the date, time, and place of such formal hearing.

In the computation of the notice and time requirements, all days shall be included except official holiday periods of the University.

## **4. Formal Dismissal Hearing Procedures**

- If the affected faculty member requests a formal hearing as to the existence of adequate cause or dismissal and termination, such hearing shall be before and conducted by the Ad Hoc Dismissal Appeals Committee (the Committee), which Committee shall consist of five faculty members, with two such faculty members chosen by the affected member and three such faculty members chosen by FPC, excluding themselves.
- The hearing before the meetings of the Committee shall be private. The affected faculty member shall be permitted to have counsel, legal or otherwise, of his or her own choosing and the right to cross-examine all witnesses, and the President and Committee shall also have the right to counsel and to cross-examine all witnesses.
- The affected faculty member will be afforded opportunity to obtain and present at the hearing such witnesses, documents, and evidence as he or she may wish to present in opposition to the charges. All evidence presented at the hearing will be recorded and a transcript of the hearing,

except the deliberations of the Committee, will be prepared, upon request of the affected faculty member and counsel. The Committee shall not be bound by strict rules of legal evidence and may admit and consider any evidence that is of probative value in determining the issues involved. Every effort shall be made to obtain the most reliable evidence available.

- The burden of proof that adequate cause exists, set forth in the statement of charges and grounds for dismissal and termination, rests with the University and shall be satisfied only by clear and convincing evidence as presented to the Committee in the hearing and in the record considered as a whole.
- The Committee shall conduct and conclude the hearing and render its decision within a period of 10 days. The decision of the Committee, including the reasons for the decision, shall be reported in writing and communicated promptly to the affected faculty member and to the President.
- The President may accept or reject the decision of the Committee. If the President rejects such decision of the Committee, he or she will so advise the Committee and affected faculty member in writing and stating the reasons therefore, and provide an opportunity for response by the Committee before transmitting the matter to the Board of Trustees.
- The Board of Trustees or a committee of the Board designated by its chair shall review and consider all matters the Board considers pertinent to its consideration of the matter, including the record of the Ad Hoc Dismissal Appeals Committee hearing and the report and documents of the Committee. The Board or its designated committee shall then make a final decision and promptly advise the full Board (if a committee has been designated), the President, the affected faculty member, and the Ad Hoc Dismissal Appeals Committee of such decision, in writing and stating the reasons therefore, with instruction to the President for appropriate action based thereon.

#### **5. Private Nature of Proceedings**

It is desirable that no public statements be issued concerning the matter by either party until the proceedings have been completed and final decision made and action taken thereon.

#### **6. Suspension Pending Decision and Termination of Compensation**

If in the President's judgment the best interests of the University require such action, the affected faculty member may be suspended from all teaching and other duties in connection with the University until the conclusion of the proceedings and action thereon although the compensation of the affected faculty member shall continue to be paid until the final decision of the Board of Trustees.

### **2015-2016 Faculty Handbook X. Terminations and Dismissals**

If such final decision is for dismissal and termination, all salary and compensation of the affected member shall cease, without further obligation by the University, as of the date of such dismissal and termination.

## **Distribution of Written Policy on Alcohol and Other Drugs**

### **Students**

The student handbook and honor code are updated annually and shared with students online.

New students receive a hard copy of the honor code.

### **Employees**

Employees are emailed an annual reminder to review the faculty and staff handbooks.

## **Biennial Report on the Effectiveness of the Queens Alcohol and Drug Abuse Prevention Programs and the Consistency of Policy Enforcement**

### **Programs**

In addition to university policy, several programs were made available during the 2013-14 and 2014-15 academic years regarding drug and alcohol abuse prevention:

- Alcohol Choices 101 (2013-14 & 2014-15)
- Social Awareness Program for New Students (2013-14 & 2014-15)
- Healthy Living Class Lecture (2013-14 & 2014-15)
- Employee Wellness Program (2013-14 & 2014-15)
- RA Training on Alcohol & Drug Education & Prevention (2013-14 & 2014-15)
- Big Hot Mess: Women & Alcohol – Program offered for sorority members by Health & Wellness. (2013-14)
- Beyond Todd & Amy – Program offered by Health & Wellness about influence of alcohol in sexual decision making (2013-14)
- Everybody's Doing It – Program offered by Health & Wellness to social norm alcohol and drug use. (2013-14)
- Prescription & Recreational Drug Education – Program offered by Health & Wellness for Student Life staff. (2013-14)
- Red Watch Band Program – This evidence based alcohol awareness and bystander intervention skill building program was offered to various student groups and athletic teams. (2014-15)
- Harry Potter's Dark Arts – Program offered by Health & Wellness and RA's about dangers of mixing alcohol. (2014-15)
- Mocktails – Program offered by Health & Wellness and RA's about alcohol abuse awareness. (2014-15)
- Matt Vogel – National speaker who discussed drugs, alcohol, and sexual assault education and awareness. (2014-15)

## Reported Incidents of Drug or Alcohol Policy Infractions – Students

| Type of Offense                           | Year | On- Campus Property | *On-Campus Student Housing Facilities | Non-Campus Building or Property | Public Property | Total | ***Unfounded |
|---|------|---------------------|---------------------------------------|---------------------------------|-----------------|-------|--------------|
| <b>Arrest: Type of Offense</b>            |      |                     |                                       |                                 |                 |       |              |
| Drug Violations                           | 2014 | 3                   | 0                                     | 0                               | 0               | 3     | 0            |
|   | 2013 | 0                   | 0                                     | 0                               | 0               | 0     | 0            |
| Alcohol Violations                        | 2014 | 6                   | 5                                     | 0                               | 0               | 6     | 0            |
|   | 2013 | 0                   | 0                                     | 0                               | 0               | 0     | 0            |
| <b>Judicial Referral: Type of Offense</b> |      |                     |                                       |                                 |                 |       |              |
| Drug Violations                           | 2014 | 8                   | 8                                     | 5                               | 0               | 13    | 0            |
|   | 2013 | 0                   | 0                                     | 0                               | 0               | 0     | 0            |
| Alcohol Violations                        | 2014 | 60                  | 51                                    | 0                               | 0               | 60    | 0            |
|   | 2013 | 110                 | 101                                   | 0                               | 0               | 110   | 0            |

## Reported Incidents of Drug or Alcohol Policy Infractions – Human Resources

There were no reported incidents of lost work time or discipline actions related to drug or alcohol abuse.

### Assessment

The individual owners of the various policies, program and reporting areas are listed below. It is the responsible of this group to review policy, and recommend and implement changes as needed.

- Dean of Student Life
- Assistant Dean of Student Life
- Director of Human Resources
- Assistant Vice President, Public Safety and Campus Police
- Assistant Vice President, Student Financial Services

It is the opinion of this group that the policies and programs related to alcohol and drug abuse are effective. There is more than adequate structure in place to emphasize the importance of drug and alcohol abuse prevention and to highlight the importance of this effort in the minds of campus administrators. The reported incidents and impact thereof are also low. It is also the opinion of the group that the policies are consistently enforced.