THE UNIVERSITY OF NORTH CAROLINA SYSTEM

MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance

November 18, 2026
10 minutes after the adjournment of the Committee on Associated Entities
Via Videoconference and PBS North Carolina Livestream
Fayetteville State University
Rudolph Jones Student Center, Ballroom 242
692 W T Brown Drive
Fayetteville, North Carolina

AGENDA

OPEN SESSION

A-1. Approval of the Open Session Minutes of September 16, 2026 ..... Alex Mitchell

A-2. Appalachian State University Board of Trustees Appointment ..... C. Philip Byers

A-3. Policy Updates for Procedural and Substantive Standards for Due Process ..... Andrew Tripp and Brad Trahan

CLOSED SESSION

A-4. Approval of the Closed Session Minutes of September 16, 2026 ..... Alex Mitchell

A-5. Legal Affairs Report ..... Andrew Tripp

OPEN SESSION

A-6. Adjourn

Closed Session Motion

Motion to go into closed session to:

- Prevent the disclosure of information that is privileged or confidential under Article 16 of Chapter 126A of the North Carolina General Statutes or not considered a public record within the meaning of Chapter 132 of the General Statutes.

- Consult with our attorney to protect attorney-client privilege; and
  - To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action for the following case:
    - *Meredith and Jesse Pipes v. Appalachian State University*

Pursuant to: G.S. 143-318.11(a)(1), and (3).

DRAFT MINUTES

September 16, 2026, at 1:30 p.m.
Via Videoconference and PBS North Carolina Livestream
UNC System Office
223 S. West Street, Room 1809
Raleigh, North Carolina

This meeting of the Committee on University Governance was presided over by Chair Alex Mitchell. The following committee members, constituting a quorum, were present in person: Randall C. Ramsey, Pearl Burris-Floyd, Joel D. Ford, C. Philip Byers.

Also participating was Chancellor Kelli Brown.

Staff members present included Andrew Tripp, Meredith McCullen, and others from the UNC System Office.

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1. Call to Order and Approval of Open Session Minutes of July 23, 2026 (Item A-1)

The chair called the meeting to order at 1:30 pm on Wednesday, September 16, 2026. Chair Mitchell reminded committee members of their duty under the State Government Ethics Act to avoid conflicts of interest and asked members if there were any conflicts or appearances of conflict of interest with respect to any matters on the agenda; none were identified. Afterward, the open session minutes from the July 23, 2026, meeting were approved by unanimous consent.

2. 2025-26 Committee on University Governance Annual Report (Item A-2)

Chair Mitchell introduced the 2025-26 Committee on University Governance Annual Report, which is required by the Board to show the work of the committee over the last year. He then asked for a motion to approve the report for submission to the full Board.

MOTION: Resolved, that the Committee on University Governance approve the 2025-26 Committee on University Governance Annual Report for submission to the full Board.

Motion: C. Philip Byers
Motion carried

3. Annual Report on Free Speech and Free Expression Within the University of North Carolina (Item A-3)

Chair Michell called on Senior Vice President and General Counsel Andrew Tripp to provide an update on the Annual Report on Free Speech and Free Expression Within the University of North Carolina. Mr. Tripp gave a brief overview of the findings, confirming that constituent institutions remain committed to

protecting and promoting free speech and free expression. Chair Mitchell then asked for a motion to approve the report.

MOTION: Resolved, that the Committee on University Governance approve the Annual Report on Free Speech and Free Expression Within the University of North Carolina.

Motion: Joel Ford
Motion carried

4. Resolution on Security Clearance Requirements (Item A-4)

Next, Chair Mitchell briefly outlined the Department of Defense requirement that the UNC System maintain a Facility Security Clearance in the performance of classified documents. He then explained the purpose of the Resolution on Security Clearance Requirements, to exempt members of the Board of Governors and senior officers of the UNC System from the requirement to obtain individual security clearances and requested a motion to approve the resolution.

MOTION: Resolved, that the Committee on University Governance approve the Resolution on Security Clearance Requirements and send it to the full Board through the consent agenda.

Motion: Pearl Burris-Floyd
Motion carried

5. Certification of Reports of Section 300.8.5 of the UNC Policy Manual, *Equality Within the University of North Carolina* (Item A-5)

Chair Mitchell called upon Mr. Tripp once again to give an update and answer questions concerning the Certification Reports of Section 300.8.5 of the UNC Policy Manual, *Equality Within the University of North Carolina*, that reaffirm each institution's commitment to principled neutrality, academic freedom, and student success. Board members were reminded that individual reports may be found on the UNC System webpage. The item did not require a vote.

6. Proposed Amendments to Section 500.1 of the UNC Policy Manual, *University Research Relations with Government Agencies and Private Entities* (Item A-6)

Next, Chair Mitchell asked Mr. Tripp to provide an overview of the proposed amendments to Section 500.1 of the UNC Policy Manual. Mr. Tripp explained the updates, referencing the proposed amendments' connection to the yearly requirement for the Resolution on Security Clearance, noting that the System Office is not a recipient of classified contracts and should not be considered a "home office" for the purposes of regulatory research compliance. The policy updates reflect the reality that chancellors of constituent institutions have autonomous authority to manage the research enterprise and have oversight and control over their cleared programs, including Department of Defense programs. After the overview, Chair Mitchell requested a motion to approve the amendments.

MOTION: Resolved, that the Committee on University Governance approve the proposed amendments to Section 500.1 of the UNC Policy Manual, *University Research Relations with Government Agencies and Private Entities.*

Motion: C. Philip Byers
Motion carried

Chair Mitchell then called on Vice Chair Ramsey to present the closed session motion.

7. Closed Session

MOTION: Resolved, that the Committee on University Governance go into closed session to prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 of the North Carolina General Statutes or not considered a public record within the meaning of Chapter 132 of the General Statutes; and to consult with our attorney to protect attorney-client privilege. This is pursuant to G.S. 143-318.11(a)(1), and (3).

Motion: Randall C. Ramsey
Motion carried

THE MEETING MOVED INTO CLOSED SESSION AT 1:46 p.m.
(The complete minutes of the closed session are recorded separately.)

THE MEETING RESUMED IN OPEN SESSION AT 1:56 p.m.

There being no further business and without objection, the meeting adjourned at 1:57 p.m.

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Michael Williford, Secretary

THE UNIVERSITY OF NORTH CAROLINA SYSTEM

MEETING OF THE BOARD OF GOVERNORS
Committee on University Governance
November 18, 2026

AGENDA ITEM

A-2. Appalachian State University Board of Trustees Appointment ..... C. Philip Byers

Situation: Appalachian State University Board of Trustees has a partial-term vacancy ending on June 30, 2027.

Background: Mr. Mark Ricks was originally appointed to the App State Board of Trustees for a term beginning July 1, 2023, but resigned his seat, effective December 1, 2026, creating a partial-term vacancy.

Assessment: Dennis Wayne Covington is nominated to fill the partial-term vacancy beginning on December 1, 2026, and ending on June 30, 2027. Biographical information is included in the materials.

Action: This item requires a vote by the committee and a vote by the full Board of Governors.

Dennis W. Covington

Dennis W, Covington is managing partner of Savant Wealth Management and leads wealth management and retirement services initiatives for clients throughout the Unites States. As an Appalachian State University graduate, Covington has maintained a lifelong commitment to the university through leadership, philanthropy, and service. He has been actively involved with The Walker College of Business, Appalachian State Athletics, the Appalachian State Foundation, and various university fundraising and student support initiatives. Throughout his career, Covington has advised business owners, executives, families, and retirement plans on financial, retirement, and legacy planning matters. He is widely recognized for his leadership in the wealth management profession and his dedication to supporting opportunities that enhance student success and strengthen App State's impact across North Carolina and beyond.

AGENDA ITEM

A-3. Policy Updates for Procedural and Substantive Standards for Due Process .....Andrew Tripp and Brad Trahan

Situation: The Board of Governors adopted Section 700.4.1 of the UNC Policy Manual, *Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings*, to establish legally supportable, fair, effective, and efficient procedures for student disciplinary proceedings. The latest substantive update to the policy was July 27, 2018.

Background: Following the U.S. Federal Circuit Court of Appeals for the Fourth Circuit's ruling in *Doe v. Univ. of N.C. Sys.,* 133 F.4th 305 (4th Cir. 2025), the Committee on University Governance is considering updates to the procedural and substantive due process standards afforded to students in disciplinary proceedings.

Assessment: The proposed amended and restated Section 700.4.1 of the UNC Policy Manual, *Policy on Procedural and Substantive Due Process for Student Disciplinary Proceedings*, provides the following updates:

- Defines roles and responsibilities for participants.
- Replaces hearing committees with designated hearing officers.
- Removes students from the hearing officer role.
- Requires a hearing for cases that could result in serious sanctions.
- Requires an external hearing officer where the case could result in a suspension of one year or more or an expulsion.
- Defines notice requirements.
- Requires disclosure of exculpatory evidence to respondents.
- Requires campuses to allow for meaningful cross examination.
- Streamlines the appeals process to remove the boards of trustees.

These updates will require conforming changes to Section 100.1 of the UNC Policy Manual, *The Code, Chapter V Section 502D* and Section 700.4.4 of the UNC Policy Manual, *Policy on Campus Gatherings and Related Student Conduct Matters*. UNC System Office staff have reviewed this policy with constituent institution stakeholders and recommends approval from the Board of Governors.

Action: This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda at the next meeting.

Policy on Procedural and Substantive Due Process for Student Disciplinary Proceedings

I. Purpose. The University of North Carolina is committed to administering student disciplinary proceedings in a manner that is consistent with applicable law and due process requirements, while also being mindful of the importance of having a student disciplinary process that is integrated into the educational experience of students. This policy supports that goal by establishing consistent procedures for student disciplinary proceedings.

II. Due Process Standards. The two types of due process standards that must be followed are procedural standards and substantive standards. Procedural standards require notice and an opportunity to be heard. The formality of these procedures will vary depending on the severity of the sanction that could be imposed (see paragraphs V. and VI. below). Substantive due process standards require that the decision reached be neither arbitrary nor capricious; meaning there is adequate evidence to support the decision, and the sanction satisfies the burden of proof. For the purpose of this policy, any written notice requirement shall be satisfied by providing electronic written notice, including via email.

III. Definitions, Roles, and Responsibilities.

A. "Advisor" is a licensed attorney or non-attorney advocate, as defined in Section 700.4.1.1[R] of the UNC Policy Manual, *Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations*, which is hereby incorporated by reference. A constituent institution is not required to provide an Advisor to students, except as provided in paragraph VI.C., below, or as otherwise required by law.

B. "Appellate Reviewer" is a constituent institution employee designated to review appeals of student disciplinary hearing decisions in accordance with this policy. The Appellate Reviewer must be authorized to serve in this role based on the sanction imposed. For cases in which the hearing results in a Suspension, the Appellate Reviewer must be the chancellor or a vice chancellor, or his or her designee. For cases in which the hearing resulted in an Expulsion, the Appellate Reviewer must be the chancellor or his or her designee who must be a vice chancellor.

C. "Code of Student Conduct" defines what conduct is prohibited and specifies the types of sanctions that may be imposed for each category of prohibited conduct. Each constituent institution must adopt a Code (or Codes) of Student Conduct that must be applicable to all students. This policy does not apply to program-specific policies, regulations, and rules that govern a student's eligibility to participate in an academic program; which are distinct from the requirements contemplated under this policy; for example, constituent institutions may adopt program-specific conduct standards in professional schools, where a violation may result in a student's separation from the program but not give rise to a violation of the Code of Student Conduct or the procedural requirements of this policy.

D. “Complainant” means the person who is alleged to be the victim of the conduct that could constitute sexual or other misconduct.

E. “Designated University Official” is a constituent institution employee, or group of employees, designated to administer the Code of Student Conduct. The Designated University Official is responsible for investigating alleged violations of the Code of Student Conduct, working with appropriate officials during the investigative process, determining whether sufficient information exists to initiate disciplinary proceedings, issuing charges on behalf of the constituent institution, providing evidence to decisionmakers at disciplinary proceedings, including hearings, or other conduct resolution proceedings, and performing any other responsibilities assigned under the Code of Student Conduct or by the constituent institution. The Designated University Official who conducts the investigation may be different from the Designated University Official who presents evidence on behalf of the constituent institution at the hearing.

F. “Expulsion” is the permanent separation of a student from the constituent institution. When expelled, a student may no longer participate in any program or activity and will be trespassed from constituent institution premises. An Expulsion prevents students from enrolling and matriculating at any UNC System constituent institution unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction. Constituent institution Codes of Student Conduct must provide for a process by which a student can petition for reinstatement, which shall be no less than four (4) years from the effective date of the expulsion and must be determined by the chancellor. For the purpose of this policy, a Suspension of more than five (5) years shall be treated as an Expulsion.

G. “Hearing Officer” refers to a constituent institution employee or contractor designated to administer and oversee disciplinary hearings or other adjudicative proceedings conducted under the Code of Student Conduct. A Hearing Officer may not be a student or group of students for any cases. For Serious Violation cases, the Hearing Officer must be approved by the UNC System Office. The UNC System Office shall establish and maintain a pre-approved list of qualified individuals to serve as Hearing Officers in Serious Violation cases. The list shall include individuals with appropriate training, education and experience, including, but not limited to, retired judges and justices, mediators, lawyers, or other appropriate individuals. Constituent institutions should select Hearing Officers from the UNC System Office pre-approved list in accordance with procedures established by the UNC System Office but may seek approval from the UNC System Office to engage other individuals as Hearing Officers on a case-by-case basis. Where the possible sanction to be imposed is less severe than a Suspension of one year, the constituent institution may use a constituent institution employee Hearing Officer who is individually pre-approved by the UNC System Office and exhibits such training, education, and experience necessary to perform the Hearing Officer role.

H. “Minor Violation” is a violation where the available sanctions do not include Expulsion or a Suspension of one semester or more. Sanctions for Minor Violations may include educational sanctions, including individualized behavioral interventions intended to serve as educational and development opportunities for the Respondent.

I. “Respondent” means any student, or student organization(s), alleged to have engaged in conduct that violates the Code of Student Conduct.

J. “Serious Violations” are violations where the available sanction(s) includes Suspension of one semester or more or Expulsion.

K. “Suspension” is separation from the constituent institution for a specified period of time, after which the student may be eligible to return. While suspended, the student may not participate in any program or activity and will be trespassed from the constituent institution premises. Exceptions to this trespass may be granted by the constituent institution based on the student’s written petition and for good cause. A Suspension under this policy is distinguishable from an interim suspension where a student is temporarily removed from campus as a non-disciplinary safety intervention. The dismissal or removal of a student from campus for less than one (1) semester is a Minor Violation and does not require the additional procedures outlined in paragraph VI. below, unless specifically contemplated by the constituent institution’s Code of Student Conduct.

IV. Burden of Proof. The Hearing Officer shall determine whether the Respondent is responsible for the alleged violation based on a preponderance of the evidence standard, meaning that it is more likely than not, based on the evidence presented, that the alleged violation occurred.

V. Procedures for All Violations.

A. A Designated University Official who receives reports or complaints alleging student misconduct will review the report or complaint and decide whether to initiate student disciplinary proceedings under the Code of Student Conduct. A determination to initiate a disciplinary proceeding should be made by the Designated University Official within a reasonable period of time after they receive the report or complaint concerning the alleged misconduct. Charges must be made in writing to the Respondent and specify the offense(s) charged, the possible sanctions, a brief recitation of the factual allegations supporting the charge, and the applicable policies and due process requirements (which may be hyperlinked), including notice that the Respondent is presumed not responsible until a determination is made at the conclusion of the disciplinary procedures.

B. The Code of Student Conduct may contemplate processes other than a hearing, including mediation, meetings, or other resolution options where the student may waive, in writing, his or her right to a disciplinary proceeding or hearing and agree to certain sanctions to be imposed. Any sanction must be consistent with sanctions contemplated in the Code of Student Conduct.

C. Respondents shall have the right to be represented by an Advisor, subject to the limitations as established under Section 700.4.1.1[R] of the UNC Policy Manual.

D. Following the issuance of conduct charges and absent a resolution pursuant to paragraph V.B., above, a disciplinary proceeding will be scheduled. For some or all Minor Violations, the constituent institution may adopt an informal disciplinary proceeding in lieu of a hearing as provided in this section V. Such a proceeding must be documented as part of the Code of Student Conduct and include notice of the Respondent’s opportunity to be heard. The disciplinary proceeding(s) must include the Respondent’s right to an appeal. The Code of Student Conduct must specify which violations are eligible for such a disciplinary proceeding. For Minor Violations where there is a hearing, the hearing must comply with the requirements of paragraph V. of this

policy. The additional requirements listed in paragraph VI. of this policy do not apply to hearings for Minor Violations. All hearings and disciplinary proceedings will be closed to the public.[1]

E. Where there is a hearing, the Designated University Official will provide possible dates and times for the hearing and will work with the Respondent and the Hearing Officer to schedule the hearing date. The constituent institution's Code of Student Conduct shall define the notice period for hearings, provided that the date for the hearing for Serious Violations will not be less than seven (7) calendar days after the Respondent receives notice of the charges and the date for a hearing for Minor Violations will not be less than three (3) calendar days after the Respondent receives notice of the charges. A Respondent may waive these requirements and agree to an earlier hearing date in writing. Reasonable extensions of time to prepare for the hearing should be allowed. A Hearing Officer who has a conflict with, bias about, or interest in the case must recuse. If a Respondent refuses to participate, or otherwise unreasonably delays or obstructs the Designated University Official in scheduling a hearing, the Designated University Official shall schedule the hearing and provide timely written notice of the hearing date.

F. The Hearing Officer shall ensure that the Respondent can present his or her evidence and defenses at the hearing. Witness testimony and documents may be presented by the Designated University Official, the Respondent, and the Complainant. If a Respondent refuses to attend or otherwise meaningfully participate in the hearing, the Designated University Official and/or the Complainant shall still present all available evidence before the Hearing Officer. A Respondent's failure to participate shall not be used as evidence against the Respondent. After the hearing, the Hearing Officer will determine whether the burden of proof was met. This determination must be based solely on the evidence presented at the hearing or meeting. Any sanction to be imposed must be within the ranges specified in the Code of Student Conduct.

G. The Hearing Officer's decision will be final subject to any appeal as provided in this policy. The Hearing Officer's decision, including a brief summary of the evidence and appeal rights, must be communicated in writing to the student within fifteen (15) calendar days after the date of the hearing. Constituent institution Codes of Student Conduct may permit the Hearing Officer's decision to be limited to a finding of responsibility or not responsible and refer the sanctioning to a constituent institution official, who was not the Designated University Official in the underlying misconduct proceeding. The sanction must at all times be consistent with the sanctions permitted under the Code of Student Conduct. In such instances, and except through the appeal process provided in below, the constituent institution may not overrule, modify, or override the Hearing Officer's decision on responsibility when issuing the sanction.

H. Respondents who are found responsible have the opportunity to appeal. One level of administrative appeal is permitted. The constituent institution's Code of Student Conduct shall define the time allowed for appeals, provided that for Serious Violations, Respondents shall have at least fifteen (15) calendar days from the date of the Hearing Officer's decision letter to submit an appeal. Where appropriate, constituent institutions should grant Respondent's reasonable

[1] A public record, as defined by N.C.G.S. 132-1, does not include any record of a disciplinary proceeding that reveals personally identifiable information about a student enrolled in a public institution of higher education, even if releasing the record would be permitted by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. Hearings or meetings under this Policy are not open meetings under N.C.G.S. 143-318.9 *et seq.*

requests for extensions of time to submit an appeal. All appeals must be in writing and will be limited to the following grounds, unless otherwise required by law:

1. Violation of Procedural Standards, meaning that the party was not provided the required notice or an opportunity for a fair hearing due to specified procedural errors that were so substantial as to effectively deny the party a fair hearing, including where a Hearing Officer, Designated University Official, or other constituent institution personnel had a conflict with, bias about, or interest in the outcome of a case and failed to recuse themself. Reasonable deviations from the procedures will not invalidate a decision or proceeding unless the party can show that, but for the deviation or error, there likely would have been a different outcome in the case.

2. Violation of Substantive Standards, meaning that the Hearing Officer's decision and/or sanction imposed was so lacking in record support that no reasonable person could have reached the conclusion on responsibility and/or could have imposed the issued sanction. This ground for appeal 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 reached the same outcome.

3. The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

Appeals are limited to written appeals only and must be based on the record from the hearing and any newly discovered evidence properly submitted under subsection (3). A copy of the appeal shall be provided to the Designated University Official, who may submit a written response. The Appellate Reviewer shall make his or her decision based on the written appeal and must provide a brief rationale for the decision.

VI. Procedures for Serious Violations. In addition to the procedures set forth in paragraph V. above the constituent institution must comply with the following additional procedures for Serious Violations that proceed to a hearing:

A. Prior to the hearing, the Respondent must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses. Any written evidence not provided to the Respondent at least seven (7) calendar days prior to the hearing shall be inadmissible at the hearing. Further, any witnesses not included on a witness list sent to the Respondent at least seven (7) calendar days prior to the hearing, shall ordinarily be precluded from testifying at the hearing. Evidence or witnesses not timely disclosed may be permitted by the Hearing Officer for good cause after providing the Respondent reasonable opportunity to review and respond. The Designated University Official must provide the Respondent any known exculpatory evidence, or information that is material to the determination of responsibility and that tends to demonstrate that the Respondent is not responsible for the alleged violation.

B. A transcript or other record of the hearing (but not of the deliberations) will be prepared and will be made available to the Respondent following the hearing. The constituent institution will be responsible for the costs of this record.

C. Respondents must be afforded a meaningful opportunity to question the evidence and any witnesses.[2] The Hearing Officer will permit the Respondent, either directly or through an Advisor, to cross examine all parties and witnesses timely designated, including those questions that challenge the credibility of the party or witness; where applicable state or federal law requires cross examination or questioning witnesses through an Advisor, questioning must conform with those and any other applicable legal requirements. The Respondent shall have the opportunity to question the constituent institution's designee who presents any applicable investigative report(s) used as the basis for issuing of charges. This opportunity is limited to the constituent institution's investigative report(s) used as the basis for issuing charges (typically a Title IX investigation report) and does not extend to any police report or other law enforcement report. Where state or federal law requires cross examination or questioning witnesses through an Advisor and the Respondent does not have an Advisor present at the hearing, the constituent institution will offer the Respondent an Advisor of the constituent institution's choice without fee or charge to the student for the limited purpose of conducting cross-examination on behalf of the Respondent. The Hearing Officer shall be responsible for maintaining order and decorum throughout the hearing. The Hearing Officer may impose limits on cross examination to guard against concerns about, among other things, harassment, prejudice, confusion of the issues, the witness' safety, or interrogation that is repetitive or only marginally relevant. Any such limits imposed shall be documented in the record of the hearing.

D. The Respondent must be given the opportunity to present any witness or documentary evidence that the Respondent offers, provided, in the opinion of the Hearing Officer, that the evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students. The Hearing Officer shall be tasked with ensuring evidence is relevant to the case and not otherwise impermissible and shall have broad authority to include or exclude such evidence.

VII. Special Cases.

A. Charges against multiple Respondents involved in the same incident may be heard in a single case only if each student Respondent consents in writing to such a proceeding.

B. Victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any is imposed, the duration of the sanction and the date the sanction was imposed.[3]

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[2] *See Doe v. Univ. of N.C. Sys.*, 133 F.4th 305, 317 (4th Cir. 2025) (discussing as a matter of procedural due process an accused student must be "afforded the *meaningful* hearing to which they [are] entitled.") (quoting *Tigrett v. Rector & Visitors of Univ. of Va.*, 290 F.3d 620, 630 (4th Cir. 2002)) (emphasis added). To meet this standard, the Court in *Doe* explains cross examination is necessary "where … (1) the resolution of a disciplinary charge turns on credibility determinations, and (2) *the potential sanctions are severe.*" *Univ. of N.C. Sys.*, 133 F.4th at 317 (emphasis added).

[3] The disciplinary records of high school students at the North Carolina School of Science and Mathematics and the University of North Carolina School of the Arts described in this policy may not be disclosed without appropriate consent. [CFR 99.31(a)(13)]

C. Victims of crimes of violence and Complainants in cases involving sexual or interpersonal misconduct shall receive notice if a Respondent found responsible for violating the Code of Student Conduct is granted an exception to any trespass order allowing them to return to campus prior to the natural expiration of the trespass order.

D. When a student with a disability is charged with an offense and seeks a reasonable accommodation, the institution will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

E. This policy applies to all student disciplinary processes, including discipline that could result from sexual or interpersonal misconduct under Title IX. This policy establishes the minimum due process requirements for all student disciplinary matters.

F. Where there are additional rights, limitations, opportunities, or obligations imposed by applicable state or federal law that are not expressly addressed in this policy, those shall be included and deemed required under this policy. To the extent this policy conflicts with any state or federal law, the applicable state or federal law shall control.

VIII. Other Matters.

A. Effective Date. This policy shall apply to all cases initiated on or after August 1, 2027.

B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.

C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations as may be adopted from time to time by the president.

CHAPTER V - OFFICERS OF THE UNIVERSITY
SECTION 500. ELECTION OF OFFICERS.

500 A. President and Staff.

(1) The Board of Governors shall elect a president of the University of North Carolina [See G.S. 116-14(a)], whose compensation shall be fixed by the Board of Governors.

(2) The Board of Governors, on nomination of the president, shall elect and fix the compensation of such professional members of the presidential staff as may be deemed necessary to administer the affairs and execute the policies of the University of North Carolina unless the Board has otherwise delegated this authority to the president. These staff members shall include such senior vice presidents and other vice presidents and officers as may be deemed desirable. [See G.S. 116-14(b)]

(3) In addition, the president shall employ such other personnel, subject to the provisions of Chapter 126 of the North Carolina General Statutes (State Human Resources Act), as may be deemed necessary to assist the officers of the University in administering the affairs and executing the policies of the University of North Carolina. [See G. S. 116-14(b)]

(4) The professional staff complement shall be established by the Board on recommendation of the president to ensure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to ensure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of institutions represented in the University of North Carolina. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public-service programs, business and financial affairs, institutional studies and long-range planning, student affairs, research, legal affairs, health affairs, and institutional development, and for state and federal programs administered by the Board. [See G.S. 116-14(b)]

500 B. Chancellors and Staffs.[1]

(1) The Board of Governors shall elect, on nomination of the president, the chancellor of each of the constituent institutions and fix the chancellor's compensation. The president shall make a nomination from a list of not fewer than two names recommended by the institutional board of trustees. [See G. S. 116-11(4)]

(2) Unless the Board of Governors has delegated this authority to the president or to an institutional board of trustees, the Board of Governors shall, on recommendation of the president and of the appropriate institutional chancellor, appoint and fix the

compensation of all vice chancellors, senior academic and administrative officers, and persons having permanent tenure. [See G.S. 116-11(5) and 116-40.22(b)]

SECTION 501. PRESIDENT OF THE UNIVERSITY.

501 A. General Authority.

The president of the University of North Carolina shall be the chief administrative and executive officer of the University. [See G.S. 116-14(a)] The president shall have complete authority to manage the affairs and execute the policies of the University of North Carolina and its constituent institutions, subject to the direction and control of the Board of Governors and the provisions of *The Code*. The president shall personally represent before the state, the region, and the nation the ideals and the spirit of the University of North Carolina. As the chief executive, the president shall be the official administrative spokesperson for and the interpreter of the University to the alumni and alumnae as a whole, the news media, the educational world, and the general public. The president shall be responsible for the presentation and interpretation of all University policies, recommendations, and requests to the General Assembly, the governor, state officers and commissions, and the federal government.

501 B. Relation of the President to the Board of Governors.

(1) The president, as the chief executive officer of the University, shall perform all duties prescribed by the Board of Governors. The president shall be responsible to the Board of Governors for the prompt and effective execution of all laws relating to the University of North Carolina and of all resolutions, policies, rules, and regulations adopted by the Board for the operation of the University of North Carolina and for the government of any and all of its constituent institutions, and the president's discretionary powers shall be broad enough to meet the extensive responsibilities of the presidency.

(2) The president shall make recommendations to the Board of Governors with respect to the adoption, modification, revision or reversal of policies, rules, and regulations applicable to the University of North Carolina and any or all of its constituent institutions. To this end, the president shall establish and maintain agencies of inquiry and administrative lines of communication, which include the constituent institutions, to ensure prompt perception of needs for problem identification and analysis, decision, and policy formulation.

(3) The president shall prepare and submit to the Board of Governors such reports and recommendations concerning the University of North Carolina and its constituent institutions as the president may deem wise or as the Board may require.

(4) The president shall attend and may participate in, without the privilege of voting, the meetings of the Board of Governors and its various committees, and the president may attend the meetings of all the boards of trustees.

(5) The president shall be the official administrative medium of communication between the Board of Governors and all individuals, officials, agencies, and organizations, both within and without the University and its constituent institutions.

(6) The president, consistent with the provisions of ~~Section~~ paragraph 500.~~-~~B(2), shall make nominations for all appointments that are to be acted upon by the Board of Governors and shall make recommendations for all promotions, salaries, transfers,

suspensions, and dismissals that are to be acted upon by the Board. The Board reserves the right, in all instances, to act on its own initiative.

(7) The president shall assume, and retain at all times, control over the budget of the University of North Carolina, subject to the direction and control of the Board of Governors. The president shall prepare the proposed budget of the University of North Carolina and shall submit such proposed budget to the Board of Governors for approval; administrative procedures uniformly applicable to all institutions shall be established by the president to ensure that each institution has full opportunity to provide information and advice concerning the formulation of such proposed budget. The president shall be responsible for the presentation and explanation of budget requests approved by the Board of Governors to the director of the budget and the ~~Advisory Budget Commission~~Office of State Management and Budget, the General Assembly and its committees, officers, and members. The president shall be responsible for the execution of the budget of the University of North Carolina as approved by the General Assembly. All revisions of the budget which require approval of the ~~Advisory Budget Commission~~Office of State Budget and Management shall be acted upon by the Board of Governors on recommendation of the president.

(8) The president, with the approval of the Board of Governors, shall appoint an advisory committee composed of representative presidents of the private colleges and universities of the state. [See G.S. 116-14(c)]

501 C. Relation of the President to the University.

(1) The president shall be the leader of the University of North Carolina and its constituent institutions and shall coordinate the activities of all constituent institutions in accordance with the principle of allocated functions prescribed by the Board of Governors. The president shall promote the general welfare and development of the University in its several parts and as a whole.

(2) The president shall be a member of, and shall have the privilege of attending meetings of, all faculties of the constituent institutions of the University of North Carolina.

(3) In the absence of policies prescribed by the Board of Governors, the president shall resolve all issues of jurisdiction and dispute among the constituent institutions of the University.

(4) Repealed.

(5) The president may refer for investigation, report, and advice any question of University concern to any council, faculty, or scientific, extension, or administrative staff.

(6) The medium for official communications between the president and the constituent institutions of the University shall be the respective chancellors.

(7) The president shall establish administrative organizations to carry out the policies of the University and shall interpret these organizations to the Board of Governors and to the officers and faculties of the University. The president shall ensure that the University and its constituent institutions are properly staffed with personnel competent to discharge their responsibilities effectively. In carrying out the president's duties and responsibilities, the president shall be assisted by staff officers and by the chancellors of the constituent institutions. The president shall prescribe the duties and assignments of

the staff officers reporting to the president. The president may establish and define the duties of all-University councils and committees to advise and assist the president in the execution of the president's duties. The president may delegate to other officers portions of the president's duties and responsibilities, with the required authority for their fulfillment. However, such delegation shall not reduce the president's overall responsibility for those portions of duties which the president may choose to delegate.

SECTION 502. CHANCELLORS OF CONSTITUENT INSTITUTIONS.

502 A. General Authority.

The administrative and executive head of each constituent institution shall be the chancellor, who shall exercise complete executive authority therein, subject to the direction of the president. The chancellor shall be responsible for carrying out policies of the Board of Governors and of the board of trustees. [See G.S. 116-34(a)]

502 B. Relation of the Chancellor to the Board of Governors and the President.

(1) It shall be the duty of the chancellor to keep the president, and through the president the Board of Governors, fully informed concerning the operations and needs of the institution. Upon request, the chancellor shall be available to confer with and make reports to the president or with the Board of Governors concerning matters that pertain to the institution. [See G.S. 116-34(c)]

(2) The chancellor shall make recommendations for development of the educational programs of the institution [See G.S. 116-34(d)] and shall serve as general adviser to the president, and through the president the Board of Governors, with respect to all programs and activities of the institution.

(3) The chancellor shall be responsible to the president for the administration of the institution, including the enforcement of the decisions, actions, policies, and regulations of the Board of Governors applicable to the institution.

(4) Subject to policies prescribed by the Board of Governors and by the institutional board of trustees, the chancellor shall make recommendations for the appointment of personnel within the institution. [See G.S. 116-34(d)] With respect to all personnel matters, including appointments, promotions, removals, and compensation for the institution's academic, administrative, and other staffs, which are required to be acted upon by the Board of Governors, the chancellor shall make recommendations to the president.

(5) The chancellor shall present to the president all matters concerning the institution which are to be considered by the Board of Governors or any of its committees. In accordance with prescribed administrative procedures uniformly applicable to all institutions, the chancellor shall participate in the development of the proposed budget of the University of North Carolina.

(6) The chancellor shall be the official medium of communication between the president and all deans, heads or chairs of departments, directors, and all other administrative officers, faculty members, students, and employees.

502 C. Relation of the Chancellor to the Board of Trustees.

(1) It shall be the duty of the chancellor to attend all meetings of the board of trustees and to be responsible for keeping the board of trustees fully informed on the operation of the institution and its needs. [See G.S. 116-34(b)]

(2) The chancellor shall submit such reports to the board of trustees as the chancellor may deem wise or as the board may require. The chancellor shall seek the counsel of the board of trustees concerning the affairs of the institution.

(3) The chancellor shall be responsible to the board of trustees for enforcing all policies, rules, and regulations of the board of trustees.

(4) The chancellor shall be the official medium of communication between the board of trustees and all individuals, officials, agencies, and organizations, both within and without the institution.

502 D. Relation of the Chancellor to the Constituent Institution.

(1) Subject to policies established by the Board of Governors, the institutional board of trustees, or the president, the chancellor; shall be the leader of and the official spokesperson for the institution; shall promote the educational excellence and general development and welfare of the institution; shall define the scope of authority of faculties, councils, committees, and officers of the institution; and all projects, programs, and institutional reports to be undertaken on behalf of the institution shall be subject to the chancellor's authorization and approval.

(2) The chancellor shall be a member of all faculties and other academic bodies of the institution and shall have the right to preside over the deliberations of any bodies of the faculties of the institution.

The chancellor shall be responsible for ensuring that there exists in the institution a faculty council or senate, a majority of whose members are elected by and from the members of the faculty. The general faculty, however, which shall include at least all full-time faculty and appropriate administrators, may function as the council or senate. The faculty shall be served by a chair elected either by the general faculty or by the council or senate. However, the chancellor may attend and preside over all meetings of the council or senate. The council or senate may advise the chancellor on any matters pertaining to the institution that are of interest and concern to the faculty.

In addition to ensuring the establishment of a council or senate, the chancellor shall ensure the establishment of appropriate procedures within the institution to provide members of the faculty the means to give advice with respect to questions of academic policy and institutional governance, with particular emphasis upon matters of curriculum, degree requirements, instructional standards, and grading criteria. The procedures for giving advice may be through the council or senate, standing or special committees or other consultative means as determined by the chancellor.

(3) Subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student

discipline, it shall be the duty of the chancellor to secure to every student the right to due process. ~~Appeals from these disciplinary decisions are allowable only on the following grounds:~~

~~(a) A violation of due process; or~~

~~(b) A material deviation from the *Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Procedures*, Section 700.4.1 of the UNC Policy Manual.~~

~~Where the sanction is expulsion, an appeal may be made to the board of trustees. No appeal to the president or Board of Governors is permitted.~~

[1]The merger of an institution into the University of North Carolina under Chapter 1244 of the 1971 Session Laws or the establishment of the North Carolina School of Science and Mathematics as a constituent institution under S.L. 2006-66 shall not impair any term of office, appointment, or employment of any administrative, instructional, or other personnel of the institution. Effective July 1, 1972, the title president and vice president of each constituent institution shall be changed to chancellor and vice chancellor, and the tenures of persons occupying these positions shall continue subject to the other provisions of *The Code.* [See Sec. 18, Ch. 1244, 1971 Session Laws]

CHAPTER V - OFFICERS OF THE UNIVERSITY
SECTION 500. ELECTION OF OFFICERS.

500 A. President and Staff.

(1) The Board of Governors shall elect a president of the University of North Carolina [See G.S. 116-14(a)], whose compensation shall be fixed by the Board of Governors.

(2) The Board of Governors, on nomination of the president, shall elect and fix the compensation of such professional members of the presidential staff as may be deemed necessary to administer the affairs and execute the policies of the University of North Carolina unless the Board has otherwise delegated this authority to the president. These staff members shall include such senior vice presidents and other vice presidents and officers as may be deemed desirable. [See G.S. 116-14(b)]

(3) In addition, the president shall employ such other personnel, subject to the provisions of Chapter 126 of the North Carolina General Statutes (State Human Resources Act), as may be deemed necessary to assist the officers of the University in administering the affairs and executing the policies of the University of North Carolina. [See G. S. 116-14(b)]

(4) The professional staff complement shall be established by the Board on recommendation of the president to ensure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to ensure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of institutions represented in the University of North Carolina. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public-service programs, business and financial affairs, institutional studies and long-range planning, student affairs, research, legal affairs, health affairs, and institutional development, and for state and federal programs administered by the Board. [See G.S. 116-14(b)]

500 B. Chancellors and Staffs.[1]

(1) The Board of Governors shall elect, on nomination of the president, the chancellor of each of the constituent institutions and fix the chancellor's compensation. The president shall make a nomination from a list of not fewer than two names recommended by the institutional board of trustees. [See G. S. 116-11(4)]

(2) Unless the Board of Governors has delegated this authority to the president or to an institutional board of trustees, the Board of Governors shall, on recommendation of the president and of the appropriate institutional chancellor, appoint and fix the

compensation of all vice chancellors, senior academic and administrative officers, and persons having permanent tenure. [See G.S. 116-11(5) and 116-40.22(b)]

SECTION 501. PRESIDENT OF THE UNIVERSITY.

501 A. General Authority.

The president of the University of North Carolina shall be the chief administrative and executive officer of the University. [See G.S. 116-14(a)] The president shall have complete authority to manage the affairs and execute the policies of the University of North Carolina and its constituent institutions, subject to the direction and control of the Board of Governors and the provisions of *The Code*. The president shall personally represent before the state, the region, and the nation the ideals and the spirit of the University of North Carolina. As the chief executive, the president shall be the official administrative spokesperson for and the interpreter of the University to the alumni and alumnae as a whole, the news media, the educational world, and the general public. The president shall be responsible for the presentation and interpretation of all University policies, recommendations, and requests to the General Assembly, the governor, state officers and commissions, and the federal government.

501 B. Relation of the President to the Board of Governors.

(1) The president, as the chief executive officer of the University, shall perform all duties prescribed by the Board of Governors. The president shall be responsible to the Board of Governors for the prompt and effective execution of all laws relating to the University of North Carolina and of all resolutions, policies, rules, and regulations adopted by the Board for the operation of the University of North Carolina and for the government of any and all of its constituent institutions, and the president's discretionary powers shall be broad enough to meet the extensive responsibilities of the presidency.

(2) The president shall make recommendations to the Board of Governors with respect to the adoption, modification, revision or reversal of policies, rules, and regulations applicable to the University of North Carolina and any or all of its constituent institutions. To this end, the president shall establish and maintain agencies of inquiry and administrative lines of communication, which include the constituent institutions, to ensure prompt perception of needs for problem identification and analysis, decision, and policy formulation.

(3) The president shall prepare and submit to the Board of Governors such reports and recommendations concerning the University of North Carolina and its constituent institutions as the president may deem wise or as the Board may require.

(4) The president shall attend and may participate in, without the privilege of voting, the meetings of the Board of Governors and its various committees, and the president may attend the meetings of all the boards of trustees.

(5) The president shall be the official administrative medium of communication between the Board of Governors and all individuals, officials, agencies, and organizations, both within and without the University and its constituent institutions.

(6) The president, consistent with the provisions of paragraph 500.B(2), shall make nominations for all appointments that are to be acted upon by the Board of Governors and shall make recommendations for all promotions, salaries, transfers, suspensions, and

dismissals that are to be acted upon by the Board. The Board reserves the right, in all instances, to act on its own initiative.

(7) The president shall assume, and retain at all times, control over the budget of the University of North Carolina, subject to the direction and control of the Board of Governors. The president shall prepare the proposed budget of the University of North Carolina and shall submit such proposed budget to the Board of Governors for approval; administrative procedures uniformly applicable to all institutions shall be established by the president to ensure that each institution has full opportunity to provide information and advice concerning the formulation of such proposed budget. The president shall be responsible for the presentation and explanation of budget requests approved by the Board of Governors to the director of the budget and the Office of State Management and Budget, the General Assembly and its committees, officers, and members. The president shall be responsible for the execution of the budget of the University of North Carolina as approved by the General Assembly. All revisions of the budget which require approval of the Office of State Budget and Management shall be acted upon by the Board of Governors on recommendation of the president.

(8) The president, with the approval of the Board of Governors, shall appoint an advisory committee composed of representative presidents of the private colleges and universities of the state. [See G.S. 116-14(c)]

501 C. Relation of the President to the University.

(1) The president shall be the leader of the University of North Carolina and its constituent institutions and shall coordinate the activities of all constituent institutions in accordance with the principle of allocated functions prescribed by the Board of Governors. The president shall promote the general welfare and development of the University in its several parts and as a whole.

(2) The president shall be a member of, and shall have the privilege of attending meetings of, all faculties of the constituent institutions of the University of North Carolina.

(3) In the absence of policies prescribed by the Board of Governors, the president shall resolve all issues of jurisdiction and dispute among the constituent institutions of the University.

(4) Repealed.

(5) The president may refer for investigation, report, and advice any question of University concern to any council, faculty, or scientific, extension, or administrative staff.

(6) The medium for official communications between the president and the constituent institutions of the University shall be the respective chancellors.

(7) The president shall establish administrative organizations to carry out the policies of the University and shall interpret these organizations to the Board of Governors and to the officers and faculties of the University. The president shall ensure that the University and its constituent institutions are properly staffed with personnel competent to discharge their responsibilities effectively. In carrying out the president's duties and responsibilities, the president shall be assisted by staff officers and by the chancellors of the constituent institutions. The president shall prescribe the duties and assignments of the staff officers reporting to the president. The president may establish and define the

duties of all-University councils and committees to advise and assist the president in the execution of the president's duties. The president may delegate to other officers portions of the president's duties and responsibilities, with the required authority for their fulfillment. However, such delegation shall not reduce the president's overall responsibility for those portions of duties which the president may choose to delegate.

SECTION 502. CHANCELLORS OF CONSTITUENT INSTITUTIONS.

502 A. General Authority.

The administrative and executive head of each constituent institution shall be the chancellor, who shall exercise complete executive authority therein, subject to the direction of the president. The chancellor shall be responsible for carrying out policies of the Board of Governors and of the board of trustees. [See G.S. 116-34(a)]

502 B. Relation of the Chancellor to the Board of Governors and the President.

(1) It shall be the duty of the chancellor to keep the president, and through the president the Board of Governors, fully informed concerning the operations and needs of the institution. Upon request, the chancellor shall be available to confer with and make reports to the president or with the Board of Governors concerning matters that pertain to the institution. [See G.S. 116-34(c)]

(2) The chancellor shall make recommendations for development of the educational programs of the institution [See G.S. 116-34(d)] and shall serve as general adviser to the president, and through the president the Board of Governors, with respect to all programs and activities of the institution.

(3) The chancellor shall be responsible to the president for the administration of the institution, including the enforcement of the decisions, actions, policies, and regulations of the Board of Governors applicable to the institution.

(4) Subject to policies prescribed by the Board of Governors and by the institutional board of trustees, the chancellor shall make recommendations for the appointment of personnel within the institution. [See G.S. 116-34(d)] With respect to all personnel matters, including appointments, promotions, removals, and compensation for the institution's academic, administrative, and other staffs, which are required to be acted upon by the Board of Governors, the chancellor shall make recommendations to the president.

(5) The chancellor shall present to the president all matters concerning the institution which are to be considered by the Board of Governors or any of its committees. In accordance with prescribed administrative procedures uniformly applicable to all institutions, the chancellor shall participate in the development of the proposed budget of the University of North Carolina.

(6) The chancellor shall be the official medium of communication between the president and all deans, heads or chairs of departments, directors, and all other administrative officers, faculty members, students, and employees.

502 C. Relation of the Chancellor to the Board of Trustees.

(1) It shall be the duty of the chancellor to attend all meetings of the board of

trustees and to be responsible for keeping the board of trustees fully informed on the operation of the institution and its needs. [See G.S. 116-34(b)]

(2) The chancellor shall submit such reports to the board of trustees as the chancellor may deem wise or as the board may require. The chancellor shall seek the counsel of the board of trustees concerning the affairs of the institution.

(3) The chancellor shall be responsible to the board of trustees for enforcing all policies, rules, and regulations of the board of trustees.

(4) The chancellor shall be the official medium of communication between the board of trustees and all individuals, officials, agencies, and organizations, both within and without the institution.

502 D. Relation of the Chancellor to the Constituent Institution.

(1) Subject to policies established by the Board of Governors, the institutional board of trustees, or the president, the chancellor; shall be the leader of and the official spokesperson for the institution; shall promote the educational excellence and general development and welfare of the institution; shall define the scope of authority of faculties, councils, committees, and officers of the institution; and all projects, programs, and institutional reports to be undertaken on behalf of the institution shall be subject to the chancellor's authorization and approval.

(2) The chancellor shall be a member of all faculties and other academic bodies of the institution and shall have the right to preside over the deliberations of any bodies of the faculties of the institution.

The chancellor shall be responsible for ensuring that there exists in the institution a faculty council or senate, a majority of whose members are elected by and from the members of the faculty. The general faculty, however, which shall include at least all full-time faculty and appropriate administrators, may function as the council or senate. The faculty shall be served by a chair elected either by the general faculty or by the council or senate. However, the chancellor may attend and preside over all meetings of the council or senate. The council or senate may advise the chancellor on any matters pertaining to the institution that are of interest and concern to the faculty.

In addition to ensuring the establishment of a council or senate, the chancellor shall ensure the establishment of appropriate procedures within the institution to provide members of the faculty the means to give advice with respect to questions of academic policy and institutional governance, with particular emphasis upon matters of curriculum, degree requirements, instructional standards, and grading criteria. The procedures for giving advice may be through the council or senate, standing or special committees or other consultative means as determined by the chancellor.

(3) Subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student

discipline, it shall be the duty of the chancellor to secure to every student the right to due process.

[1]The merger of an institution into the University of North Carolina under Chapter 1244 of the 1971 Session Laws or the establishment of the North Carolina School of Science and Mathematics as a constituent institution under S.L. 2006-66 shall not impair any term of office, appointment, or employment of any administrative, instructional, or other personnel of the institution. Effective July 1, 1972, the title president and vice president of each constituent institution shall be changed to chancellor and vice chancellor, and the tenures of persons occupying these positions shall continue subject to the other provisions of *The Code*. [See Sec. 18, Ch. 1244, 1971 Session Laws]

Policy on Campus Gatherings & Related Student Conduct Matters

Background. The United States Constitution, the North Carolina Constitution, the laws of North Carolina, and longstanding University policy combine to operate the University of North Carolina in a manner that balances the first duty of public safety of campus communities with an unflagging commitment to free expression and thought. It is that commitment to free expression and thought—and the cultivating of both among the ~~approximately~~ more than 250,000 students who enroll in the University annually—that sets the academic arena apart from other parts of society. The responsibility to balance the competing interests of public safety with free expression falls to the hundreds of campus professionals working every day in North Carolina in the areas of law enforcement, student affairs, and campus administration.

I. Such balancing must inherently be campus-based and does not lend itself to hard and fast "one-size fits all" prescriptions at a System-wide level. ~~The~~ As such, the Board of Governors does not operate each of the seventeen ~~campuses~~ institutions of the University of North Carolina~~—indeed, that task would be insurmountable given the unique missions of our institutions and nature of the seventeen communities of which our campuses are vibrant hubs.~~; ~~i~~Instead, the University rightly reaffirms the principle that operating ~~our~~ the ~~campuses~~ institutions is the duty of ~~our~~ chancellors as codified in Chapter 116 of the North Carolina General Statutes and *The Code*. The balancing and tailoring asked of each campus professional in doing his or her job is made even more complex given the myriad related federal and state laws, including those governing destruction of public property, free expression, trespass, access to buildings by persons with disabilities and the confidentiality of student and personnel information that serve their own important public policy goals.

~~I.~~ Minimum Requirements for Campus Policies Regarding Mass Gatherings & Related Student Conduct.

~~I.~~II. With this background in mind, each constituent institution of the University of North Carolina shall continue to comply with the following minimum principles in crafting and administrating its campus-specific policies regarding public gatherings on campus and student discipline arising from conduct by students on ~~sister campuses~~constituent institutions of the University of North Carolina:

A. Reasonable Prior Notice & Reservation. Each constituent institution shall maintain a mechanism whereby persons wishing to gather in groups larger than a size set by the campus must reserve or otherwise provide not less than 24-hours' notice to the campus administration and the appropriate campus safety official of the intent to gather in indoor spaces located on campus or in specified outdoor areas for purposes other than university-sponsored instruction, classes, or research. These reasonable time, place, and manner restrictions, tailored and crafted by the campus, shall empower campus officials to prepare for and ensure the safety of students and other community members inside campus buildings and in specified outdoor areas.

B. Fostering Spontaneous Expressive Activity. ~~Furthermore, to~~To ensure that students, staff, and faculty may continue to assemble and engage in the "spontaneous expressive activity" encouraged and facilitated by ~~Section 1300.8 of the UNC Policy Manual~~Section 1300.8 of the UNC

Policy Manual, *Policy on Free Speech and Free Expression Within the University of North Carolina System,* each constituent institution shall ensure that the outdoor portions of the campus not specified as requiring a reservation or notice remain freely accessible so long as they are not utilized in a manner that substantially interferes with or materially and substantially disrupts the institution's missions, as set out in ~~Section~~ paragraph IV. of ~~Section 1300.8 of the UNC Policy Manual~~Section 1300.8 of the UNC Policy Manual.

C. Safe Ingress & Egress & Sound Amplification. Each constituent institution shall ensure that its applicable policies governing student conduct and public gatherings prescribe clear rules about the maintenance of safe points of ingress and egress to each campus building and the use of sound-amplifying equipment near such building. ~~Such~~ Clear rules should be crafted in a way that ensures that students, staff, and faculty residing, working, learning, and teaching are not disrupted while free expression continues.

D. Regulation of Camping. Each constituent institution shall ensure that its applicable policies governing public gatherings prohibit Camping on University Property without prior written approval from the appropriate campus official and the appropriate campus safety official. In accordance with UNC Policy and applicable state and federal law, any requests for approval from campus officials shall be determined in a ~~viewpoint~~ viewpoint-neutral manner considering necessary time, place, and manner restrictions.

1. "Camping" is defined as any of the following:

   a. The establishment of, or attempt to establish, temporary or permanent living quarters at any location on University Property other than residence halls, apartments, or other university managed housing;

   b. Sleeping outdoors on University Property with or without bedding, tent, hammock, tarp, or similar device, protection, or equipment overnight (between sunset and sunrise);

   c. Sleeping in, on top of, or under any parked vehicle on University Property;

   d. Establishing or maintaining outdoors, or in or under any structure not designated for human occupancy, at any time during the day or night, a temporary or permanent place on University Property for cooking, storing of personal belongings, or sleeping by setting up any bedding, sleeping bag, mattress, tent, hammock, or other sleeping equipment~~,~~; or by setting up any cooking equipment that has not been approved by the appropriate University health and/or safety officer.

2. "University Property" is defined as any building, structure, or outdoor space that is owned, leased, operated, managed, or controlled by the University.

3. Exceptions. Actions that constitute "Ccamping" as defined above may be permitted under the following special circumstances:

a. When expressly authorized by the constituent institution in connection with a ticketed event.

b. In extraordinary circumstances, such as times of natural disaster, when approved in writing in advance by the chancellor or designee.

~~E.~~ Misconduct on Other Campuses. Each constituent institution shall ensure that its applicable policies governing student conduct establish clearly that, at minimum, any of its students cited or arrested by law enforcement authorities or cited by another constituent institution for engaging in misconduct, disruption, trespass, or other conduct creating a public safety threat to the student or others is subject to disciplinary proceedings at his or her enrolled institution.

~~F.~~E. The foregoing requirement is designed to put University students on actual notice of the risk of disciplinary proceedings arising from conduct resulting in citation or arrest for violation of federal or state law, local ordinances, and/or specified conduct engaged in on the campus of another University of North Carolina ~~campus~~institution. In administering this policy, ~~campuses~~ constituent institutions shall retain discretion as to whether the conduct by a ~~campus's~~ n enrolled student resulting in citation or arrest for violation of federal or state law, local ordinances, or misconduct occurring at a sister institution, if the enrolled campus becomes aware of it, should result in disciplinary proceedings at the enrolled institution and what the appropriate remedy is, if the student is found to be responsible.

~~G.~~F. Final Adjudication of Student Conduct Matters by Professional Staff or Contractor. ~~or Committee. In accordance with~~ Adjudication of student conduct matters shall comply with ~~Section 700.4.1 of the UNC Policy Manual.~~Section 700.4.1 of the UNC Policy Manual, *Policy on Minimum Substantive Due Process for Student Disciplinary Proceedings.* ~~, constituent institutions remain free to organize their student conduct adjudication processes as they see fit.~~ ~~They are encouraged to draw from multiple campus stakeholder groups, including students, to ensure that fact finding and processes are informed by the various perspectives of campus communities and the student body. Final disposition of campus student conduct proceedings shall be made by either one or more campus administrators, which may include a neutral external adjudicator engaged by the campus, possessing adequate training and expertise to perform such tasks in accordance with law and policy or by a committee comprised of campus administrators, faculty, and students so long as the campus administrators constitute a plurality of the committee. All committee members must possess adequate training and expertise to perform such tasks in accordance with law and policy. The decision of a committee may be final, or it may be a recommendation for a final decision by a designated campus administrator. Appeals of final dispositions of student conduct proceedings required by Section 700.4.1 of the UNC Policy Manual may be initiated by either the responding student or, in the case of a final decision made by a committee, the responsible campus administrator, and must be heard and determined by separate campus administrator(s) or a neutral external adjudicator engaged by the campus, none of whom participated in the initial hearing and disposition being appealed.~~

~~H.~~G. Intercampus Sharing of Public Safety Information. The president shall work with the System ~~Vice~~ vice ~~President~~ president for ~~Safety~~ safety & ~~Emergency~~ emergency ~~Operations~~operations, or his designee, to create or expand an existing mechanism for the exchange of public safety related information among the law enforcement agencies of the

University of North Carolina whereby constituent institutions may confidentially exchange for law enforcement, campus safety, and student disciplinary purposes information regarding enrolled student or third party non-student misconduct on campuses of the University of North Carolina.

~~I.~~H. Close Consultation with Law Enforcement Officials. To foster the proper balance among ensuring public safety, ensuring free expression, and furthering the educational mission of the University, each constituent institution remains free to organize its departments of public safety and student affairs as it deems appropriate subject to applicable law and policy. However, each constituent institution shall ensure that a senior-ranking public safety official is included, informed, and consulted regarding the logistical planning of campus gatherings and that issues of public safety are prioritized in those discussions. Furthermore, each constituent institution shall ensure that in preparing for mass gatherings, the chancellor has the benefit of direct consultations with law enforcement officials in effecting the proper plans for such events.

~~II.~~III. Other Matters.

~~1.~~A. Effective Date. The requirements of this policy shall be effective on the date of adoption by the Board of Governors, and constituent institutions shall ensure compliance on or prior to August 1, 2025.

~~2.~~B. Relation to State and Federal Law**.** The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, the requirements of federal and state law and existing university policy.

~~3.~~ Regulations and Directives. The president is authorized to promulgate regulations and administrative memoranda to aid in the implementation of this ~~Policy~~policy.

C.

Policy on Campus Gatherings & Related Student Conduct Matters

I. Background. The United States Constitution, the North Carolina Constitution, the laws of North Carolina, and longstanding University policy combine to operate the University of North Carolina in a manner that balances the first duty of public safety of campus communities with an unflagging commitment to free expression and thought. It is that commitment to free expression and thought—and the cultivating of both among the more than 250,000 students who enroll in the University annually—that sets the academic arena apart from other parts of society. The responsibility to balance the competing interests of public safety with free expression falls to the hundreds of campus professionals working every day in North Carolina in the areas of law enforcement, student affairs, and campus administration. Such balancing must inherently be campus-based and does not lend itself to hard and fast "one-size fits all" prescriptions at a Systemwide level. As such, the Board of Governors does not operate each of the seventeen institutions of the University of North Carolina; instead, the University rightly reaffirms the principle that operating the institutions is the duty of chancellors as codified in Chapter 116 of the North Carolina General Statutes and *The Code*. The balancing and tailoring asked of each campus professional in doing his or her job is made even more complex given the myriad related federal and state laws, including those governing destruction of public property, free expression, trespass, access to buildings by persons with disabilities and the confidentiality of student and personnel information that serve their own important public policy goals.

II. Minimum Requirements for Campus Policies Regarding Mass Gatherings & Related Student Conduct. With this background in mind, each constituent institution of the University of North Carolina shall continue to comply with the following minimum principles in crafting and administrating its campus-specific policies regarding public gatherings on campus and student discipline arising from conduct by students on constituent institutions of the University of North Carolina:

A. Reasonable Prior Notice & Reservation. Each constituent institution shall maintain a mechanism whereby persons wishing to gather in groups larger than a size set by the campus must reserve or otherwise provide not less than 24-hours' notice to the campus administration and the appropriate campus safety official of the intent to gather in indoor spaces located on campus or in specified outdoor areas for purposes other than university-sponsored instruction, classes, or research. These reasonable time, place, and manner restrictions, tailored and crafted by the campus, shall empower campus officials to prepare for and ensure the safety of students and other community members inside campus buildings and in specified outdoor areas.

B. Fostering Spontaneous Expressive Activity. To ensure that students, staff, and faculty may continue to assemble and engage in the "spontaneous expressive activity" encouraged and facilitated by Section 1300.8 of the UNC Policy Manual, *Policy on Free Speech and Free Expression Within the University of North Carolina System,* each constituent institution shall ensure that the outdoor portions of the campus not specified as requiring a reservation or notice remain freely accessible so long as they are not utilized in a manner that substantially interferes with or materially and substantially disrupts the institution's missions, as set out in paragraph IV. of Section 1300.8 of the UNC Policy Manual.

C. Safe Ingress & Egress & Sound Amplification. Each constituent institution shall ensure that its applicable policies governing student conduct and public gatherings prescribe clear rules about the maintenance of safe points of ingress and egress to each campus building and the use of sound-amplifying equipment near such building. Clear rules should be crafted in a way that ensures that students, staff, and faculty residing, working, learning, and teaching are not disrupted while free expression continues.

D. Regulation of Camping. Each constituent institution shall ensure that its applicable policies governing public gatherings prohibit Camping on University Property without prior written approval from the appropriate campus official and the appropriate campus safety official. In accordance with UNC Policy and applicable state and federal law, any requests for approval from campus officials shall be determined in a viewpoint-neutral manner considering necessary time, place, and manner restrictions.

1. "Camping" is defined as any of the following:

a. The establishment of, or attempt to establish, temporary or permanent living quarters at any location on University Property other than residence halls, apartments, or other university managed housing;

b. Sleeping outdoors on University Property with or without bedding, tent, hammock, tarp, or similar device, protection, or equipment overnight (between sunset and sunrise);

c. Sleeping in, on top of, or under any parked vehicle on University Property;

d. Establishing or maintaining outdoors, or in or under any structure not designated for human occupancy, at any time during the day or night, a temporary or permanent place on University Property for cooking, storing of personal belongings, or sleeping by setting up any bedding, sleeping bag, mattress, tent, hammock, or other sleeping equipment; or by setting up any cooking equipment that has not been approved by the appropriate University health and/or safety officer.

2. "University Property" is defined as any building, structure, or outdoor space that is owned, leased, operated, managed, or controlled by the University.

3. Exceptions. Actions that constitute "Camping" as defined above may be permitted under the following special circumstances:

a. When expressly authorized by the constituent institution in connection with a ticketed event.

b. In extraordinary circumstances, such as times of natural disaster, when approved in writing in advance by the chancellor or designee.

E. Misconduct on Other Campuses. Each constituent institution shall ensure that its applicable policies governing student conduct establish clearly that, at minimum, any of its

students cited or arrested by law enforcement authorities or cited by another constituent institution for engaging in misconduct, disruption, trespass, or other conduct creating a public safety threat to the student or others is subject to disciplinary proceedings at his or her enrolled institution. The foregoing requirement is designed to put University students on actual notice of the risk of disciplinary proceedings arising from conduct resulting in citation or arrest for violation of federal or state law, local ordinances, and/or specified conduct engaged in on the campus of another University of North Carolina institution. In administering this policy, constituent institutions shall retain discretion as to whether the conduct by an enrolled student resulting in citation or arrest for violation of federal or state law, local ordinances, or misconduct occurring at a sister institution, if the enrolled campus becomes aware of it, should result in disciplinary proceedings at the enrolled institution and what the appropriate remedy is, if the student is found to be responsible.

F. Final Adjudication of Student Conduct Matters by Professional Staff or Contractor. Adjudication of student conduct matters shall comply with Section 700.4.1 of the UNC Policy Manual, *Policy on Minimum Substantive Due Process for Student Disciplinary Proceedings.*

G. Intercampus Sharing of Public Safety Information. The president shall work with the System vice president for safety & emergency operations, or his designee, to create or expand an existing mechanism for the exchange of public safety related information among the law enforcement agencies of the University of North Carolina whereby constituent institutions may confidentially exchange for law enforcement, campus safety, and student disciplinary purposes information regarding enrolled student or third party non-student misconduct on campuses of the University of North Carolina.

H. Close Consultation with Law Enforcement Officials. To foster the proper balance among ensuring public safety, ensuring free expression, and furthering the educational mission of the University, each constituent institution remains free to organize its departments of public safety and student affairs as it deems appropriate subject to applicable law and policy. However, each constituent institution shall ensure that a senior-ranking public safety official is included, informed, and consulted regarding the logistical planning of campus gatherings and that issues of public safety are prioritized in those discussions. Furthermore, each constituent institution shall ensure that in preparing for mass gatherings, the chancellor has the benefit of direct consultations with law enforcement officials in effecting the proper plans for such events.

III. Other Matters.

A. Effective Date. The requirements of this policy shall be effective on the date of adoption by the Board of Governors, and constituent institutions shall ensure compliance on or prior to August 1, 2025.

B. Relation to State and Federal Law**.** The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, the requirements of federal and state law and existing university policy.

C. Regulations and Directives. The president is authorized to promulgate regulations and administrative memoranda to aid in the implementation of this policy.