



TRANSMITTAL LETTER

The University of North Carolina
General Administration

Transmittal Number 68
March 10, 2010

THIS LETTER TRANSMITS CHANGES TO THE *UNC POLICY MANUAL*

Subject:

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700.4.2

Policy on Student Conduct

Policy 700.4.2 was approved by the Board of Governors on February 12, 2010. If you have questions pertaining to this policy, please contact Ms. Laura Luger, General Counsel and Vice President of Legal Affairs, at 919-962-4588.

700.4.3[G]

Guidelines on Student Disciplinary Proceedings: Meaning and Effect of "Expulsion"

Guideline 100.3.7[G] was renumbered from Section 100.3 to Section 700.4, *Student Conduct and Discipline*, to align with the subject content. The guideline number is now 700.4.3[G]. If you have questions pertaining to this policy, please contact Ms. Laura Luger, General Counsel and Vice President of Legal Affairs, at 919-962-4588.

400.4.1.1

Policy of the Board of Governors of the University of North Carolina with Respect to Exemption from Licensure under G.S. 116-15 of Religious Education

This policy was adopted in 1995 and amended in 1997. The policy was inadvertently omitted from the Policy Manual, and is being transmitted for information purposes

The documents are attached herein or can be found on our website at the link below:
<http://www.northcarolina.edu/policy/index.php>

Attachments

THE UNIVERSITY OF NORTH CAROLINA
POLICY MANUAL



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Policy on Student Conduct

I. Purpose

The Code of the University of North Carolina describes the University as an academic community “dedicated to the transmission and advancement of knowledge and understanding.” Pursuant to *The Code*, the Board of Governors is committed to supporting and encouraging “freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.” *The Code* also provides, “The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.”

These freedoms come with certain responsibilities. Faculty and students “share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.” Students, specifically, must conduct “themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.”

Balancing these freedoms and responsibilities can be challenging. The Board of Governors is committed to preserving and protecting these freedoms, while recognizing that certain conduct which intentionally targets a person or identifiable group of persons based upon the person’s or identifiable group’s race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status may interfere with the University’s core mission of advancing knowledge and understanding. Accordingly, to support and assist the constituent institutions of the University of North Carolina in their continuing efforts to advance the University’s mission, the Board of Governors’ adopts this policy. This policy is not intended to expand the legal rights of any person or identifiable group of persons under state or federal law.

Every constituent institution has adopted a student code of conduct that establishes rules and regulations concerning student conduct and discipline. All such codes of conduct address criminal and unlawful conduct, as well as behaviors that violate University policies, rules or regulations. University Policy 700.4.1 sets forth the minimum procedural and substantive due process standards applicable to student disciplinary proceedings. This companion policy reflects recommendations received by the President on March 31, 2009, from the UNC Study Commission to Review Student Codes of Conduct Relating to Hate Crimes. It sets forth provisions for inclusion in all UNC campus student codes of conduct. These provisions are not exclusive. Student codes of conduct may include other provisions not inconsistent with these mandatory provisions. This policy also accommodates the different legal standards that may apply to the high school programs at the North Carolina School of Science and Mathematics and the UNC School of the Arts.

II. Mandatory Provisions

A. The following statements shall be included in all codes of student conduct:

1. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.
2. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

3. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline.

B. The following provisions addressing specific student conduct that could lead to disciplinary action shall be included:

1. No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status.

2. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is:

a. Directed toward a particular person or persons;

b. Based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identify, creed, disability, or veteran status;

c. Unwelcome;

d. Severe or pervasive;

e. Objectively offensive; and

f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

3. In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

III. Discipline

Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D(3) of *The Code*, Policy 700.4.1, and applicable campus policies.

IV. Education and Advancement

University and campus attorneys, student affairs personnel, and campus law enforcement shall familiarize themselves and remain current regarding legal standards applicable to targeting individuals based upon race, color, religion, national origin, gender, sexual orientation, gender-identify, creed, disability, or veteran status through

A. Unlawful threats, or

B. Unlawful harassment creating a hostile environment as defined in this policy.

Guidelines on Student Disciplinary Proceedings: Meaning and Effect of “Expulsion”

The following policies shall apply with respect to disciplinary proceedings against students enrolled at the constituent institutions of the University:

1. Each constituent institution shall determine, with respect to its students, what misconduct shall warrant the sanction of expulsion from enrollment (subject to preemptive policies of the Board of Governors which have prescribed or in the future may prescribe that penalty for specified offenses).
2. When imposed, the sanction of expulsion uniformly shall mean: permanent dismissal, unless at a later date the chancellor who imposed or approved the sanction (or his or her successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education.
3. A student who has been expelled from one constituent institution may not be admitted to another constituent institution of the University, unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction.

[This is a rewrite of Administrative Memorandum #346.]

*Moved from 100.3.7[G]

**Policy of the Board of Governors of the University of North Carolina
with Respect to Exemption from Licensure under G.S. 116-15 of
Religious Education**

1. Delegation. It shall be the responsibility of the President to apply the provisions of G. S. 116-15 and relevant policies and procedures of the Board of Governors, including these policies, to any application for exemption pursuant to G.S. 116-15(d) from licensure to undertake post-secondary degree activity with reference to religious education and in each case to determine the propriety of such exemption.
2. Definitions. The definitions set forth in G.S. 116-15(a2) are hereby incorporated by reference into these policies.
3. Standards for exemption. Exemption from licensure with respect to religious education under G.S. 116-15(d) shall rest upon one of the following:
 - a. That the subject education constitutes post-secondary degree activity based upon a program of study, equivalent experience, or achievement testing the institutionally planned objective of which is the attainment of a degree in theology, divinity, or religious education;
 - b. That the subject education constitutes a program of study, equivalent experience, or achievement testing, other than that identified in Section a, above, that is designed by the offering institution primarily for career preparation in a religious vocation.
4. Extent of exemption. An institution shall be conferred exemption from licensure only with respect to each program of study, equivalent experience, or achievement test that the institution demonstrates to the satisfaction of the President comes within one of the standards for exemption set forth in Section 3, above.
5. Determination of eligibility for exemption. The President shall determine whether to confer exemption with respect to religious education as provided in G.S. 116-15 only upon the President's receipt from staff of a recommendation concerning exemption based upon the following:
 - a. Staff summary of a site visit to the petitioning institution. [If appropriate]
 - b. Documents and information relevant to the qualifying nature of the petitioning institution and the subject curriculum, which shall include:
 1. Articles of Incorporation of the institution, including all current amendments thereto.
 2. The title of each degree program for which exemption is sought.
 3. The educational credential proposed to be given by the institution upon satisfactory completion of each program of study, equivalent experience, or achievement test for which exemption is sought.
 4. The catalog statement and any other institutional statement (such as curriculum outline) for each program of study, equivalent experience, or achievement test for which exemption is sought.
 - c. Assurances from the petitioning institution that it has conformed, or will conform, institutional literature and educational credentials to the conditions of licensure exemption pursuant to these policies, which shall include:
 1. Designating any degree program of study or academic credential for which exemption from licensure is to pertain by a title that clearly indicates its

religious nature so that the institutional objective of the program for its use in attainment of a degree in theology, divinity, or religious education, or its institutional design primarily for career preparation in a religious vocation is apparent.

2. Prominently displaying in relevant institutional publications a statement that the relevant degree program of study has been declared by the appropriate state authority exempt from the requirements for licensure, under provisions of North Carolina General Statutes Section (G.S.) 116-15(d) for exemption from licensure with respect to religious education.

3. Prominently displaying in relevant institutional publications a statement that Exemption from licensure is not based upon assessment of program quality under established licensing standards.

6. Duration of exemption. Staff shall make annual inquiry of institutions conferred exemption with respect to religious education to ascertain the continuation of those bases upon which there was conferred exemption from licensure. An exemption shall continue unless suspended or revoked by the President following the President's consideration of a corresponding recommendation from staff.

7. Pursuit of licensure. An institution shall seek licensure to conduct post-secondary activity with respect to any program of study, equivalent experience, or achievement test for which exemption from licensure has been denied for failure of the institution to satisfy these policies but which post-secondary activity the institution continues to offer or intends imminently to offer.

8. Violation of conditions. If the President determines that an institution (1) has failed to seek and obtain licensure or exemption from licensure, as required by these policies, or (2) has failed to fulfill any obligation attendant to exemption from licensure under these policies, the President may request that the Attorney General of North Carolina take appropriate action against the offending institution.

9. Effective date. These policies, as amended, are effective September 12, 1997.