



**TRANSMITTAL LETTER**

Transmittal Number 132

March 4, 2020

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**THIS LETTER TRANSMITS CHANGES TO THE UNC POLICY MANUAL**

		<b>Action</b>
900.1[G]	Guideline on the Residence Status of Students Receiving Full Scholarships	Amended 02/03/20 <i>Redline version attached below.</i>
Technical corrections (see attached chart)		
<i>The Code</i> , Section 300.1	Technical correction to <i>The Code 100.1</i> , Section 301G. STANDING COMMITTEES' JURISDICTION	See chart below*
1300.1	Chapter 1300 Matters of University-Wide Significance, Policy 1300.1, Policy on Illegal Drugs	See chart below*
1300.6	Chapter 1300 Matters of University-Wide Significance, Policy 1300.6, Policy on Efficiency and Effectiveness	See chart below*
500.4[R]	Chapter 500 Sponsored Programs, Research, and Intellectual Property	See chart below**

The entire UNC Policy Manual is accessible at:

[https://www.northcarolina.edu/apps/policy/index.php?tab=policy\\_manual](https://www.northcarolina.edu/apps/policy/index.php?tab=policy_manual)

Technical corrections are made pursuant to Section 100.2 IV. of the UNC Policy Manual.

\*Technical corrections to these policies were reported to the Board of Governors at its January 2020 meeting per the attached chart.

\*\*Technical corrections to this policy was reported to the Board of Governors at its February 2020 meeting per the attached chart.

900.1[G]

Adopted 10/27/05

Amended 1/20/06

Renumbered and Amended 12/13/19<sup>1</sup>

Amended 02/03/20

### **Guideline on the Residence Status of Students Receiving Full Scholarships**

- I. Constituent institutions may consider as resident students, for tuition and all other purposes, nonresident students who receive a full scholarship from entities recognized by the institution. Participation by constituent institutions is optional. Constituent institutions participating must do so based on a resolution by its board of trustees. The resolution of the board of trustees can be approved at any time.
- II. Only undergraduate students may be considered residents pursuant to this provision. **This provision does not apply to students receiving full scholarships for athletics.**
- III. A student who receives a “full” scholarship is one who receives a grant or grants that cover tuition, mandatory fees, room and board for the academic year in which the student is to be considered a resident.
- IV. The scholarship must come from one or more entities recognized in the board of trustees’ resolution or recognized by the chancellor pursuant to delegated authority from the board of trustees. This list may include both entities with which the constituent institution has a formal relationship and entities which do not have a formal relationship with the constituent institution. If an entity is recognized by the board of trustees, all students receiving full scholarships from that entity must be treated as resident students in accordance with this provision.
- V. An institution may phase in this provision by recognizing only a limited number of entities initially and then approving an amendment to add other recognized entities.
- VI. Neither the constituent institution itself, nor a fund of the constituent institution, may be a recognized entity. However, the institution’s endowment may be a recognized entity if it is awarding scholarships that are derived totally from private funding sources.
- VII. A full scholarship may not include grants from state or federal funds distributed by the constituent institutions or administered by the North Carolina State Education Assistance Authority.
- VIII. Constituent institutions may include students considered residents pursuant to this section as in-state students in its enrollment funding request.
- IX. Nonresident students considered residents pursuant to this section must be separately flagged for data collection purposes.
- X. Other Matters
  - A. **Effective Date.** The requirements of this guideline shall be effective on the date of adoption of this guideline by the president.

B. Relation to Federal and State Laws and Policies. The foregoing guideline as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern or relate to the subject matter of this regulation.

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<sup>1</sup> Renumbered from 900.4[G] to 900.1[G] upon the approval by the president.

## Report on Technical Corrections to *The Code* /UNC Policy Manual

<i>The Code</i> /UNC Policy Manual	UNC Policy Manual - Chapter	Policy/ Regulation/ Guideline	Section(s)	Technical Correction(s)	Effective Date (Posted to Webpage)
<i>The Code</i>	Section 301. The Standing Committees' Jurisdiction	<i>The Code</i>	301 G. (Committee on Audit, Risk Management, and Compliance (CARMC))	Update reference made to "General Administration" to "UNC System Office."	1/3/2020
UNC Policy Manual	Chapter 1300, Matters of University-Wide Significance	Policy	1300.1, Illegal Drugs	Technical changes to align with the UNC Style Guide, state and federal laws, and corrections for consistency to later amendments to the UNC Policy Manual.	1/3/2020
UNC Policy Manual	Chapter 1300, Matters of University-Wide Significance	Policy	1300.6, Policy on Efficiency and Effectiveness	Update reference made to "General Administration" to "UNC System Office" along with a couple of other UNC Style Guide updates.	1/3/2020

CHAPTER III- COMMITTEES OF THE BOARD OF GOVERNORS

301 G. The Committee on Audit, Risk Management, and Compliance (CARMC) shall consist of voting members be appointed from the membership of the other standing committees. The CARMC shall recommend a committee charter for review and approval by the board, addressing the University's internal audit, enterprise risk management, and compliance functions; recommend for approval University-wide policies regarding internal audit, enterprise risk management, and compliance; review annual and other audit reports of the constituent institutions, ~~and the UNC General Administration System Office,~~ and affiliated entities; review a summary of the internal audit plans and work of the audit committees of the constituent institutions; review a summary of the annual financial audit reports and management letters on University major associated entities; meet with the state auditor annually; and take such other actions as are necessary or appropriate to ensure that risks are identified and properly managed and to assure the integrity of the finances, operations, and controls of the University.

### **Policy on Illegal Drugs**

I. Purpose. Illegal drugs endanger the health and safety of members of higher education communities and imperil the integrity of the pursuit of learning. The institutions of the University of North Carolina System are not immune to this threat. Illegal drugs constitute such a serious problem nationwide that within the University System certain specific and uniform University policies are warranted. Success in combating the problem depends ultimately on the cooperative efforts of members of governing boards, students, faculty members, administrators and all other employees. Thus, it is on each campus of the University that a properly balanced program of educational efforts and punitive sanctions must be achieved. Accordingly, to support and assist the constituent institutions of the University of North Carolina System in their continuing efforts to meet this threat, the Board of Governors adopts this policy.

II. Policies Applicable University-Wide. Each Board of Trustees shall adopt a policy on illegal drugs applicable to all students, faculty and staff. The Board of Governors recognizes that each such policy must address the circumstances and needs of the particular campus. However, the President shall ensure that the policy of each institution incorporates and is fully consistent with the following basic requirements.

#### A. Education, Counseling, and Rehabilitation

1. Each constituent institution shall establish and maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs. This educational program shall emphasize these subjects:

- a. The incompatibility of the possession, use or sale of illegal drugs with the goals of the University;
- b. The legal consequences of involvement with illegal drugs;
- c. The medical implications of the use of illegal drugs; and
- d. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

2. Each constituent institution shall provide information about drug counseling and rehabilitation services available to members of the University community either through campus-based programs or through community-based organizations. Persons who voluntarily avail themselves of University services shall be assured that applicable professional standards of confidentiality will be observed.

#### B. Enforcement and Penalties

1. University institutions shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs from the University

community. The institutional policy on illegal drugs shall be publicized in catalogues and other materials prepared for all enrolled and prospective students and in materials distributed to faculty and staff.

2. Students, faculty, and staff are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the General Statutes. Any member of the University community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the University. It is not "double jeopardy" for both the civil authorities and the University to proceed against and punish a person for the same specified conduct. The University will initiate its own disciplinary proceeding against a student, faculty member, or staff member when the alleged conduct is deemed to affect the interests of the University.

3. Penalties will be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty, and staff, as required by Sections 502 D(3) and ~~Section~~ 603 of *The Code*, by Board of Governors policies applicable to other employees exempt from the State ~~Personnel Act~~ Human Resources Act, and by regulations of the State ~~Personnel~~ Human Resources Commission.

4. Penalties to be imposed by the University will vary depending upon the nature and seriousness of the offense, and may include a range of disciplinary actions up to and including expulsion from enrollment and discharge from employment. The University may also refer matters to law enforcement for prosecution.

a. For second or other subsequent offenses involving illegal drugs, progressively more severe penalties shall be imposed.

b. A student, faculty member, or staff member found to have violated applicable law or University policies concerning illegal drugs may be required to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor's designee deems appropriate. Refusal or failure to abide by such conditions and restrictions may result in additional disciplinary action, up to and including expulsion from enrollment and discharge from employment.

5. Suspension ~~p~~Pending ~~f~~Final ~~d~~Disposition. When a student, faculty member, or staff member has been charged by the University with a violation of policies concerning illegal drugs, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor or the chancellor's designee concludes that the person's continued presence within the University community would constitute a clear and immediate danger to the health or welfare of other members of the University community; provided, that if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held in accordance with applicable campus judicial policy.

III. Implementation and Reporting

A. Each ~~b~~Board of ~~t~~rustees shall adopt a policy on illegal drugs, the provisions of which shall be consistent with the requirements of ~~s~~Section II., ~~above of this policy~~.

B. Each chancellor shall designate a coordinator of drug education. This person, acting under the authority of the chancellor, will be responsible for overseeing all actions and programs relating to the campus policy.

C. University institutions must comply with applicable state and federal law regarding illegal drugs including, without limitation, the Drug-Free Workplace Act of 1988<sup>1</sup> and the Drug-Free Schools and Communities Act Amendments of 1989, as articulated in the Code of Federal Regulations, Title 34, Education, Part 86, Drug and Alcohol Abuse Prevention.<sup>1</sup> In accordance with the latter, each institution must conduct a biennial review of the effectiveness of its educational programs regarding illegal drugs and the consistency of sanction enforcement, and maintain the results of such reviews on file.

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<sup>1</sup>34 C.F.R. § 86.

1300.6

Adopted 08/01/14

Amended 03/23/18

Technical Corrections 01/03/20

### **Policy on Efficiency and Effectiveness**

The Board of Governors, consistent with its responsibility for the general direction and control of the University of North Carolina System (UNC System), is committed to ensuring continuous improvement in the consistency, efficiency and effectiveness of the operations of the ~~University of North Carolina~~UNC System, including the constituent institutions. It shall be the policy of the Board of Governors, the ~~University's General Administration~~UNC System Office, and the constituent institutions to identify and implement efficiencies that strengthen processes and productivity, that compete favorably with our peers and that generate cost or resource savings that may be reinvested to support key initiatives, approved by the Board of Governors, within the University's core mission of teaching, research, and public service.

The Board of Governors delegates to the president authority and responsibility to lead the University in the identification, implementation, and realization of academic and non-academic efficiencies in any area including, but not limited to, expanded shared services, strategic sourcing, non-instructional or instructional positioning, credit hour production, information technology infrastructure, utilization of facilities, energy consumption and such other areas as recommended by the Board of Governors. The Board of Governors shall, on recommendation of the president or on its own initiative, adopt metrics to track operational performance and shall use its best efforts to ensure that the University has the resources and expertise necessary to identify and implement efficiencies. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted by the president consistent with this policy.

## Report on Technical Corrections to *The Code* /UNC Policy Manual

<i>The Code</i> /UNC Policy Manual	UNC Policy Manual - Chapter	Policy/ Regulation/ Guideline	Section(s)	Technical Correction(s)	Effective Date (Posted to Webpage)
UNC Policy Manual	Chapter, 500, Sponsored Programs, Research, and Intellectual Property	Regulation	500.4]R], Regulation on Administering Sponsored Programs	Update references made to "General Administration" to UNC System and UNC System Office where applicable.	1/30/2020

### Regulation on Administering Sponsored Programs

I. Purpose. This regulation establishes the general requirements, responsibilities, and relationships, with respect to sponsored programs, of the University of North Carolina System and the 17 constituent institutions (together referred to as the "UniversityUNC System"), and its faculty, staff, and students. "Sponsored programs" refers to scholarly, professional, and creative activities that University System personnel conduct with support from external funding instruments such as grants, contracts, cooperative agreements, or other agreements deemed appropriate by the chancellors of constituent institutions, or the president for agreements issued to the University of North Carolina General AdministrationSystem Office (UNC System Office). Sponsored programs, therefore, are key instruments through which the University System fulfills its diverse mission. The efficient and effective administration of sponsored programs is imperative.

II. Delegation of Authority. The Board of Governors retains overall policy-making authority with respect to sponsored programs. The Board of Governors has delegated contracting authority with regard to sponsored programs to the president, pursuant to Section 500.3 of the UNC Policy Manual. The president may further delegate authority to the chancellors for the conduct of sponsored programs of their respective constituent institutions. The authority not delegated, nor prohibited herein, is reserved to the institutions.

III. Guidelines. Generally, two basic features define sponsored programs: (1) they are separately supported in whole or in part by external sponsors, and (2) they are executed under the terms of agreement between the University and sponsors. While the specific instruments (e.g., grants, contracts, cooperative agreements) authorizing sponsored programs typically are associated with specific individuals or groups, those instruments legally are awarded to the constituent institution or the University of North CarolinaUNC System. General criteria that must be considered in the development of sponsored programs include:

- A. Adequate budgetary support, both direct and indirect, is to be provided by the sponsor or other appropriate sources. No obligations are to be assumed without University System authorization.
- B. Sponsored programs must be compatible with the overall mission of the University System.
- C. Sponsored programs must be consistent with federal and state laws and University System policies.

IV. The University of North Carolina General AdministrationUNC System Office Requirements and Responsibilities. The University of North Carolina General AdministrationUNC System Office will:

- A. Collect and review sponsored programs data from the constituent institutions and disseminate reports.
- B. Advocate for sponsored programs support and communicate the role of research.
- C. Provide leadership in the professional development of research administration staff

concerning sponsored programs through support of networking, sharing best practices, and technical assistance.

- D. Maintain and disseminate guidelines and procedures related to sponsored programs.
- E. Interface with federal and state governmental entities on behalf of the constituent institutions on broad topics and themes that impact research administration.
- F. Facilitate interinstitutional collaboration on sponsored program activities.

V. Constituent Institution Requirements and Responsibilities. Each constituent institution will:

A. Report sponsored programs data to the ~~University of North Carolina General Administration~~ UNC System Office consistent with established data definitions and procedures for submission.

B. Ensure that sponsored programs are conducted and funds are used in a manner consistent with federal and state laws and University System policies.

C. Ensure that sponsored programs funds reside in a designated University System account.

D. Ensure that a statement of work and budget exists explaining the purpose and use of each sponsored program's funds.

E. Ensure that only those with delegated authority enter into agreements that commit the University System to provide for the delivery of goods or services.

F. Ensure the constituent institution has granted prior approval for the following:

1. Commitment to continue an activity, retain personnel, provide cash matching/cost sharing funds, or provide capital improvements or equipment beyond the expiration of sponsored support or in excess of institutional resource levels.

2. Creation of a new organizational unit within the institution or the University System.

3. Creation of a new degree program.

VI. Faculty and Staff Requirements and Responsibilities. Each faculty or staff member involved with sponsored programs will:

A. Submit all requests for support of sponsored programs through the appropriate institutional office for review and approval prior to submission to the sponsor.

B. Adhere to all federal and state laws and University System policies.

C. Disclose all financial interests consistent with federal, state, University System, and constituent institutions policies and procedures.

D. Conduct sponsored program activities in accordance with the highest ethical standards.

VII. Other Matters

A. Effective Date. The requirements of this regulation shall be effective on the date of adoption of this regulation by the president.

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