

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 in whole or in part upon any of the protected statuses included in Section 103 of *The Code* 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 in whole or in part upon any of the protected statuses included in Section 103 of *The Code*.

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 in whole or in part upon any of the protected statuses included in Section 103 of *The Code*;
- 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 in whole or in part upon any of the protected statuses included in Section 103 of *The Code* through

- A. Unlawful threats, or
- B. Unlawful harassment creating a hostile environment as defined in this policy.