

# Institutional Policies

## Academic Integrity Policy

UNCSA is committed to fostering an intellectual, artistic, and ethical environment based on the principles of academic integrity as a critical part of educating artists and citizens. Academic integrity is essential to the success of the University’s mission and violations of academic integrity constitute offenses against the entire UNCSA community.

Students who violate University rules on academic integrity are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since such academic integrity violations harm the individual, all students, and the integrity of the University, policies on academic integrity will be strictly enforced. For further information please [visit the college handbook](#).

## Undergraduate Policy on Student Probation and Continuation

Because UNCSA is an arts conservatory, a student’s continuation is contingent on both academic performance and continuous improvement in the artistic area of study.

### Minimum Combined Cumulative Grade Point Average Requirements

The chart below indicates the minimum Combined Cumulative GPA (calculated from all Arts and General Education courses) that students must achieve by the end of each semester:

	C1	C2	C3	C4
DANCE	2.3	2.3	2.3	2.3
D&P	2.0	2.3	2.3	2.3
DRAMA	2.3	2.5	2.7	2.7
FILMMAKING	2.7	2.7	2.7	2.7
MUSIC	2.0	2.3	2.3	2.3

### Warning Letter

A student who exhibits a pattern of poor performance or behavior in any course may receive a Warning Letter. In generating such a letter, the faculty considers one or more of the following:

- the student’s failure to comply with University, School, or course policies;
- the student’s failure to complete assignments satisfactorily;
- the student’s failure to be productive as a developing artist;
- the student’s inability to absorb and incorporate instruction;
- the student’s demonstrated talent deficiencies;
- the student’s inability to work or collaborate in a professional manner;

- the student's failure to achieve at least a 2.0 General Education Cumulative GPA by the end of the second or third semester;
- other factors determined to be relevant.

The Warning Letter will include information about the area(s) of concern and a list of what skills, tasks, or objectives the student must accomplish in order to improve. A student who fails to remedy the concerns within the timeframe articulated in the letter may be placed on Probationary Status.

The Warning Letter will be generated by the Art School Dean or designated representative, and copies will be sent to the Dean of the Division of Liberal Arts and the Registrar's Office.

### **Probationary Status**

A student is placed on Probationary Status for one or more of the following reasons:

- failure to resolve within the designated time-frame the issue(s) leading to a Warning Letter;
- failure to achieve or maintain at least a 2.0 General Education Cumulative GPA by the time the student is classified as a C3;
- failure to achieve and maintain the required minimum Combined Cumulative GPA as outlined in the chart.

When placed on Probationary Status, the student will receive a Probation Letter from the relevant Arts School Dean or designated representative outlining the area(s) of concern and a list of what skills, tasks, and/or objectives they must accomplish to be removed from Probationary Status. Probationary Status becomes part of the student's permanent record.

If a student exhibits significant behavioral, academic, or artistic concerns, the student may be placed on Probationary Status without having first received a Warning Letter. The Art School Dean or designated representative, in consultation with the relevant faculty, shall make this decision and shall document the reasons for the action.

If a student is placed on Probationary Status at any time prior to the last five weeks of a semester, that semester shall be considered the initial probationary period. A student placed on Probationary Status during the last five weeks of a semester shall have that initial probationary status continued into the subsequent semester. If the student fails to rectify by the end of the initial probationary period the academic or artistic deficiencies that necessitated Probationary Status, the Art School shall have the discretion either to continue the student's Probationary Status for a subsequent semester or dismiss the student from UNCSEA.

### **Dismissal**

Because each of the Art Schools within UNCSEA offers a progressive curriculum with small classes, the focus is on students who continue to demonstrate artistic development and the likelihood of achieving professional standards in the field. Students who do not make sufficient progress to warrant removal from Probationary Status will be dismissed from their program.

The Art School Dean or designated representative will notify the student of non-continuation as soon as is practicable.

### **Dismissal Appeal**

Under the following conditions, students at UNCSEA have the right to appeal the dismissal from a program. The student's appeal must present facts showing that by the preponderance of the evidence, the decision was:

1. based on the student's race, color, religion, national origin, disability, sexual orientation, gender, age, or creed; or

2. made for an arbitrary or impermissible reason unrelated to the faculty's and dean's exercise of professional judgment in the evaluation of the student's academic or artistic performance; or
3. lacking the benefit of additional information (previously unavailable to the faculty and dean) which, if available, would have led to a different decision.

Allegations that sexual harassment was the reason for the decision must be addressed according to procedures set forth in the UNCSA Bias-Related Sexual Harassment Policy rather than via the following procedures.

### **Dismissal Appeal Procedures**

1. Notice of dismissal will be sent to a student electronically to the student's official UNCSA Artist e-mail account and by first class mail to the student's permanent address on file with the Registrar's Office.
2. The student shall have ten (10) business days from the date of dispatch to file an appeal (see above). The student shall send the signed appeal to the Dean of the Art School in which the student is enrolled.
3. The Dean has 10 business days to respond in writing to the appeal.
4. In the case of a decision adverse to the student, the student may appeal to the Office of Academic Affairs within ten (10) business days of the decision. In the appeal, the student must present evidence that the Dean's decision was discriminatory, arbitrary, or capricious (see above regarding grounds for appeal).
5. The Office of Academic Affairs will review the appeal and respond with a final institutional decision within ten (10) business days of receipt of the appeal.

### **Readmission**

Students whose enrollment has been discontinued may reapply to UNCSA for a future academic year. Reapplication does not, however, guarantee readmission. A student who is readmitted two or more years after leaving UNCSA will be bound by the program requirements in effect at the time of re-enrollment.

## **Suspension Policy: Administrative Committee**

In certain highly unusual situations, and in cases related to disorderly or disruptive conduct that does not fall within the student Code of Conduct, the Dean of Students, the Dean of Liberal Arts, or the dean of an arts school may initiate an administrative committee to convene and hear the allegations. A few examples of conduct that might result in such a hearing are:

1. Repeated failure to comply with arts school and/or academic attendance policies and/or to complete assignments as assigned; or
2. Any other behaviors which indicate that the student is engaging in activities that prevent the student from being productive in the art or academic work.

The administrator initiating the committee meeting shall chair the hearing of the administrative committee. The committee members shall be: (1) the dean of the school in which the student is currently enrolled; (2) the Dean of Liberal Arts and; (3) any other individuals whose involvement is germane to the situation under consideration and whose presence would be in the best interest of the student involved as well as the overall campus community, as deemed appropriate by the convener.

The purpose and procedures of the administrative committee shall include (1) listening to the allegations involving the student, (2) hearing from the student about their experience in the situation, (3) hearing from any others who may be

relevant to the student, (4) deliberating on what actions are called for in the situation, and (5) following through with the conclusions reached through deliberations.

Committee decisions regarding outcomes shall be determined by the information presented in the hearing regardless of whether the student has any College Code of Conduct violations on their social rules record. If the committee decides that the allegations against the student are unwarranted, that information will be reported to the student and other school staff on a need-to-know basis. If the committee decides that the evidence supports the allegations, then the committee may recommend outcomes to correct the situation, including separating the student from UNCSEA or determining that the student will be dismissed from UNCSEA the next term.

## Appeal of Final Course Grades

The student's appeal must present facts showing that by the preponderance of the evidence that the course grade was based on:

1. the students' race, color, religion, national origin, disability, sexual orientation, gender, age, creed; or
2. some other arbitrary or impermissible reason unrelated to the faculty member's exercise of his or her professional judgment in the evaluation of the student's academic or artistic performance; or
3. different standards and procedures than those the faculty member established in the course syllabus or in other written or oral measures directed to the class as a whole; or
4. a clear and material mistake in calculating or recording grades.

Allegations that *sexual harassment* was the reason a final course grade was impermissibly or arbitrarily assigned by the faculty member must be addressed according to procedures set forth in the UNCSEA Bias-Related Sexual Harassment Policy rather than from the following procedures.

**That the student simply disagrees with the assigned grade does not constitute a basis for a review.**

*CAUTION: Falsification or fabrication of information by the student in support of a final course grade appeal may cause the student to be subject to disciplinary action under the Student Code of Conduct.*

### Procedures

1. When a student receives a final grade for which the student believes an appeal is justified, the student shall discuss the contested grounds (see four factors above) with the instructor within twenty calendar days.
2. The instructor must inform the student of the instructor's final decision (in light of the information the student presents) within ten (10) calendar days of receiving the information.
3. The student may file a written appeal of the instructor's decision (no more than ten (10) calendar days after the instructor sends the decision to the student) with the dean, presenting evidence of one or more of the above grounds for appeal.
4. The dean will inform the student of the final decision within thirty (30) calendar days of receiving the student's appeal.

# Annual Notification of Rights Under the Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

The right to inspect and review the student's education records within 45 days of the day UNCSA receives a request for access. Students should submit to the Registrar, dean, or other appropriate official, a written request that identifies the record(s) they wish to inspect. The UNCSA official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights. Students may ask UNCSA to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights. They should write the UNCSA official responsible for the record, clearly identify the part of the record they want to be amended, and specify why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights.

If UNCSA decides not to amend the records as requested by the student, UNCSA will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

The right to consent to the disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by UNCSA in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); outside contractors or volunteers if UNCSA would otherwise hire someone to perform that individual's job, UNCSA directly controls that individual's use of education records, and UNCSA subjects that individual to the requirements of FERPA; a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibility.

Upon request, UNCSA discloses education records without consent to officials of another school in which a student seeks or intends to enroll. The right to file a complaint with the U.S. Department of Education concerning alleged failures by UNCSA to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW. Washington, DC 20202-4605

## Notice of Directory Information

In accordance with the Family Educational Rights and Privacy Act (FERPA), "directory information" at the University of North Carolina School of the Arts is defined to include: the student's name, parents' names, addresses, telephone listings, date, and place of birth, major field of study, class level, participation in officially recognized activities, performance brochures, dates of attendance, degrees, and awards received, the most recent previous educational agency or institution attended by the student, e-mail address, and full- or part-time status. Some of this information,

including name, mailing address, field of study, class level, telephone number, and e-mail address may be included on UNCSA's website.

Directory information is considered public information and will be released unless the student requests a "privacy hold." All other information is considered private and will not be released outside the School without the written permission of the student unless a specific exception under FERPA applies. Students may request a Privacy Hold by submitting a letter or appropriate form to the Registrar by the end of the first week of the school year or the initial period of enrollment. Such requests must be filed annually.

Questions concerning student records and FERPA should be addressed to the Office of the Registrar.

### **Graduation Rate**

Our data shows that 68.3 percent of the first-time, full-time freshmen who entered the University of North Carolina School of the Arts in Fall 2015 have received a baccalaureate degree from this institution as of Spring 2019, and 70.3% as of Spring 2021. This information is provided pursuant to requirements of the Student-Right-to Know and Campus Security Act.

### **Non-exclusive License Agreement for Student Works and Intellectual Property**

The performances and creative products of UNCSA students are growing in popularity, and our chances to showcase student works have increased significantly in recent years. UNCSA trains performing artists in the disciplines of Design and Production, Dance, Drama, Music, and Filmmaking, and the University likes to be able to promote our students and their talents, as well as our school, on TV and other venues as the opportunity presents itself. Past opportunities have included us being fortunate enough to be able to broadcast "The Nutcracker" across the State.

The most efficient and effective way of accomplishing this is to enter into non-exclusive license agreements with you, our students. Our goal is to be able to promote and publicize our students' intellectual property while protecting the students' ownership and rights in that property. This agreement has been designed to enable you to retain your rights to grant current and future licenses in your intellectual property while allowing UNCSA to share your creative works with the broadest audience possible. Please know that the agreement does not permit us to exploit your works commercially, but does allow us to recoup our costs in creating the work. Should you happen upon an opportunity to exploit your work that requires UNCSA to relinquish its non-exclusive license in your work, we will freely do such.

In that vein, you are required to abide by UNCSA's Intellectual Property Policy and sign a "Non-Exclusive Licensing Agreement for UNCSA Student Works" as a condition of your enrollment at UNCSA. By requiring you to sign this Agreement as a condition of your enrollment, UNCSA will be able to use your work in productions to showcase our students' talents without having to have every student sign a form for every production.

### **Non-Exclusive Licensing Agreement for UNCSA Student Works**

The University of North Carolina School of the Arts ("UNCSA") and ("Student") agree to the following terms concerning rights in works created or performed by the Student in connection with their enrollment and study at UNCSA.

In consideration of the mutual promises set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree to the following:

#### **1. Likeness License**

In consideration for the opportunity to participate in any manner as a part of any UNCSA production or performance, Student agrees to permit UNCSA and/or any of its respective licensees, assigns, or affiliated entities to make royalty free and fully paid-up still, motion, and audiovisual recordings of Student's participation, to use and

reuse Student's recorded voice, actions, performance, designs, likeness, name, and appearance ("Likeness") in any and all forms of media now known or later developed, throughout the Universe in perpetuity (in any form of media now known or later developed) with respect to (a) the exploitation and promotion of the Student's works, (b) another work embodying the Student's works, and/or (c) the University itself. Student expressly grants UNCSA permission to use all or any part of Student's Likeness, to alter or modify it regardless of whether or not Student is recognizable.

## 2. IP Rights License

The Student retains full ownership of all intellectual property rights in any creative work Student creates, performs, displays, etc., during the course of their enrollment and study at UNCSA (the "Student's works"). The Student grants to UNCSA a non-exclusive, royalty-free, fully paid up, irrevocable, perpetual license encompassing any and all rights necessary to reproduce, prepare derivative works based upon, distribute, perform, display publicly, and, in the case of sound recordings perform publicly via a digital audio transmission, the Student's works. These rights include, but are not limited to, the right to: create audiovisual recordings of the Student's works, to reproduce these audiovisual recordings as necessary to transmit and display the works, to modify the original audiovisual recordings as necessary, and to display the works in any form or medium now known or subsequently developed. Student explicitly grants UNCSA the right to license any or all of its rights under this Agreement to any other third party as necessary for educational purposes, to further UNCSA's mission, and/or the non-commercial exploitation and/or promotion of the Student's works, another work embodying the Student's works, and/or the University itself. The prohibition on commercial exploitation of the Student's works does not prevent UNCSA from recouping its financial, capital, and/or "sweat equity" investment in the Student's works. This license does not convey any rights to UNCSA concerning film screenplays which are not produced as a film while the student is enrolled at UNCSA.

3. This Agreement, and all claims arising under and related to this Agreement, will be governed by, construed, and interpreted in accordance with laws of North Carolina without reference to principles of conflict of laws and Federal Copyright Law when applicable. Furthermore, the determination of any claim, dispute, or disagreement that may arise out of the interpretation, performance, or breach of this Agreement will be subject to enforcement and interpretation solely in a court of competent jurisdiction sitting in Forsyth County, North Carolina.
4. This Agreement expresses the entire understanding between the parties concerning Student's works and supersedes any and all prior and contemporaneous agreements, understandings or representations between UNCSA and Student, except for the UNC Patent & Copyright Policy and UNCSA's Intellectual Property Policy. No modification, alteration or amendment of this Agreement will be valid or binding unless in writing and signed by both UNCSA and Student.
5. UNCSA may freely assign, in whole or in part, any of their rights or obligations under this Agreement.
6. UNCSA will freely relinquish the license(s) and/or rights granted to it under this Agreement on the good faith written request of the Student or the Student's agent.
7. The Student and UNCSA understand that this Agreement neither pertains to nor purports to license the rights of any third parties who may also have rights in the Student's works or Likeness

Student's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Intellectual Property

UNCSA Policy #115, Intellectual Property, provides that, while students retain copyright in their works, all enrolled students grant to UNCSA, as a condition of enrollment, a non-exclusive license in student works.

## 8. Student Works

- a. **Ownership & Use.** Students by default own the copyright in all of their own work, unless they have, prior to the creation of such work, waived this right through a formal, signed, contract or waiver.
- b. **Grant of License.** As a condition of enrollment and in consideration for such enrollment, each Student will grant UNCSA a perpetual, non-exclusive license to exploit all of the Student's rights in the work under the law. This license will be effectuated by a signed agreement between the Student and UNCSA executed before the student attends his or her first Arts class. Except in the case of compilations where the work produced involves the contributions of numerous students or works of joint- authorship among students, UNCSA agrees not to pursue commercial gain from the license granted under this provision.
- c. **Exceptions to Student Ownership**
  - i. A contract or waiver, signed personally by the Student, must be in place prior to the creation of any Student Work in order for such work(s) to be deemed a Sponsored, Externally Contracted, or Directed Work.
  - ii. Under such a waiver or contract, UNCSA shall own a Student Work that is a Sponsored, Externally Contracted, or Directed Work, and ownership and use of such works shall be as specified in this policy.
  - iii. Student Works created in the course of the Student's hourly employment by UNCSA shall be considered Works Made for Hire, and ownership and use of such works shall be as specified in this policy.
  - iv. Student Works that constitute notes of classroom and laboratory lectures and exercises may be used for educational purposes only and may not be used for commercial gain. Using, allowing or making available class or lab notes to be used for commercial gain is not permitted unless student is given specific authorization from a UNCSA faculty member.
  - v. As provided by this policy or as agreed to mutually, rights in Student Works may be transferred between the Student and UNCSA.

## Residence Status For Tuition Purposes

### Determining In-State Residency

The specific standards for determining resident status for tuition purposes are set forth in the North Carolina General Statute section 116-143.1 (the "Statute"). Since the benefit of in-state tuition is generally provided only to legal residents of North Carolina, understanding the legal principles of domicile is fundamental to a correct interpretation and application of North Carolina laws that regulate tuition classification decisions. The "North Carolina State Residence Classification Manual" provides detailed information with regard to residency for tuition purposes.

The Residency Determination Service (RDS) is the entity responsible for all classifications of residency in North Carolina.

Students wishing to request a residency classification must submit an application using the Residency Determination Service (RDS).

- To begin the process, visit [www.NCresidency.org](http://www.NCresidency.org)
- All student inquiries about initial determinations, reconsiderations or appeals, should be directed to RDS, the sole authority for North Carolina residency determinations.

### **Additional Information**

Contact RDS by telephone or email:

- Phone: 844-319-3640
- Email: [rdsinfo@ncresidency.org](mailto:rdsinfo@ncresidency.org)

## **Illegal Drugs**

### **I. Purpose**

The University of North Carolina School of the Arts is a residential educational community dedicated to the artistic, personal and intellectual growth of students interested in training for careers in the performing arts. The UNC-SA Board of Trustees is committed to the maintenance and protection of an environment in which students and faculty members may responsibly pursue these goals. It is the obligation of all members of the School community – students, faculty, administrators and other employees – to help maintain an environment where academic and artistic freedom flourish and in which the rights of each member of the community are respected. Illegal drugs endanger the health and safety of members of this community and hinder the pursuit of learning. Success in combating the threat posed by illegal drugs depends ultimately on the cooperative efforts of members of governing boards, students, faculty members, administrators and all other employees.

This policy seeks to address the problem of illegal drugs by establishing a properly balanced program of educational efforts and punitive sanctions.

### **II. Definitions:**

- A. Alcohol or Drug Probation (“AOD Probation”) means the period of probation imposed for a violation of this policy or for alcohol offenses. AOD Probation may be the only sanction imposed, or it may be imposed following a suspension. Only conduct related to alcohol or drug violations or which violates the terms and conditions of the AOD Probation (for example, submitting to drug tests or attending counseling) constitutes a violation of AOD Probation. Other violations of the Code of Conduct or university workplace rules will not establish a violation of AOD Probation.
- B. In-school suspension means suspension from arts classes and judicial confinement or exclusion from campus outside of certain hours, depending on the student’s residential status. While serving in-school suspension, the student may attend academic classes only. Only to students in the secondary school program may be placed on this status.

### **III. Program Coordination**

The Chancellor shall designate a Coordinator of Drug Education on campus. The Coordinator shall be responsible for coordinating, supervising, and recording all programs relating to this policy, including drug abuse prevention and education programs.

### **IV. Education, Counseling, and Rehabilitation**

The School’s drug prevention program will emphasize education, counseling, and rehabilitation. Specifically, these techniques will include information concerning:

- a. the incompatibility of illegal drug use or sale with the School’s educational goals;
- b. legal consequences of involvement with illegal drugs;
- c. medical implications of the use of illegal drugs; and
- d. ways in which illegal drugs jeopardize an individual’s present accomplishments and future opportunities.

The Coordinator shall ensure that the university community receives information about drug counseling and rehabilitation services available 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 are observed.

The Coordinator will be responsible for working with a committee of interested members of the University community to develop the primary education methods designed specifically to prevent illegal drug use and abuse. Those methods may include the following:

a. Students

1. Statements in the Campus Life Handbook;
2. Drug information sessions during the academic year;
3. Distribution of drug information literature,
4. Special mini-lectures and discussions by residence hall groups and counselors;
5. Annual training program for Residence Life staff and resident assistants, and others who could profit from such training; and
6. Referral to drug counseling services on campus and in the Winston-Salem community.

b. Employees

1. This policy shall be discussed in employee orientation programs and shall be posted on the web.
2. Supervisors at least once a year will remind faculty and staff of the School's education programs. Human resources office will work with the Coordinator to present on-going education and information to employees

c. Referrals

The community mechanisms mentioned above will include information regarding community counseling, medical and rehabilitation resources dealing with substance abuse, and information on health insurance benefits associated with substance abuse. The Coordinator, the Chief Academic Officer, and Human Resources will ensure that faculty and supervisors receive training and information about recognizing signs of potential illegal drug use and substance abuse in the early stages. An employee or student with a possible substance abuse problem will be encouraged to seek confidential diagnosis and treatment. Seeking such help should not, in and of itself, interfere with enrollment, job status, or promotional opportunities. Persons who voluntarily seek counseling shall be assured that applicable professional standards of confidentiality will be observed.

## **V. Enforcement and Penalties**

- A. A. Students, faculty members, administrators, and other employees are responsible 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 Chapter 90 of the North Carolina General Statutes. Any member of the School community violating the law is subject both to criminal prosecution and to School disciplinary proceedings. It is not "double jeopardy" for both the District Attorney and the School to proceed and punish a person for the same specified conduct. The School will initiate its own disciplinary proceeding against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the School.

B. The School will impose penalties, adhering to procedural safeguards for disciplinary actions against students, faculty members, administrators, and other employees. The relevant safeguards are those required by The Code (including Sections 502(D), 603, and 608), by Board of Governors policies applicable to employees exempt from the State Personnel Act, and by regulations of the State Personnel Commission.

C. A. Minimum penalties: The penalties for illegal drugs may range from probationary status to expulsion from enrollment and discharge from employment, in accordance with the minimum sanctions listed below. These penalties apply to on-campus violations and may apply to off-campus violations as provided by the Student Code of Conduct.

1. Possession of Illegal Drugs:

a. Schedule I and II drugs: For a first offense involving illegal possession of any controlled substance identified in Schedule I or Schedule 11 (N.C.G.S. §.90-89 and 90), the minimum penalty shall be suspension from employment or enrollment for a period of at least one semester<sup>1</sup> or its equivalent. For students enrolled in the secondary school program, the minimum penalty shall be long term suspension for a period of one year beyond the conclusion of the current academic year. (Examples of Schedule I and II drugs include but are not limited to: heroin, mescaline, lysergic acid diethylamide, opium, cocaine, and amphetamines.)

b. Schedule III – VI drugs: For a first offense involving illegal possession of any controlled substance identified in Schedules III through VI (N.C.G.S. § 90-91 through 90-94) (including, but not limited to, marijuana, Phenobarbital, and codeine) for employees and undergraduate and graduate students, the minimum penalty shall be AOD Probation for a semester or its equivalent. For students enrolled in the secondary school program, the minimum penalty shall be in-school suspension for seven calendar days (under the terms imposed by the Student Handbook and the Associate Director of High School Residence Life).

c. Penalties in excess of these minimum sanctions shall be determined on a case-by-case basis. A person on probation must agree 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 Chancellor's designee deems appropriate. Refusal or failure to abide by the terms of AOD Probation shall result in suspension from enrollment or from employment for a minimum of the unexpired balance of the prescribed period of probation.

d. For second or other subsequent offenses involving illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators or other employees.

e. After completing the prescribed period of suspension from enrollment or employment imposed pursuant to subsection (a) or (b) above, students, faculty or other employees who return to enrollment or employment may be subject to AOD Probation for a minimum period of one semester. During any AOD Probation, terms of probation shall include drug education and counseling, at a minimum, and may include such other conditions and restrictions (including community service) as the Chancellor or the Chancellor's designee deems appropriate.

f. For students enrolled in the secondary school program, this AOD Probation shall continue for the remainder of the student's enrollment in the secondary school program. The student shall be subject to mandatory drug testing for the remainder of AOD Probation and must attend substance abuse counseling for one academic year or its equivalent.

g. Only conduct related to the conditions of probation and future alcohol or drug violations will be considered a violation of AOD probation

**2. Trafficking in Illegal Drugs**

- a. Schedule I and II: For the illegal manufacture, sale or delivery or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I or Schedule II (N.C.G. S. §. 90 – 89 and 90) 0 (examples include heroin, mescaline, lysergic acid diethylamide, opium, cocaine, and amphetamines), any student shall be **expelled** and any faculty member, administrator or other employee shall be **discharged**.
- b. Schedules III – VI: For a first offense involving illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI (N.C.G.S. §. 90-91 through 90-94) (examples include marijuana, Phenobarbital, and codeine); the minimum penalty shall be suspension from employment or enrollment for a period of at least one semester. For students enrolled in the secondary school program, the minimum penalty shall be long term suspension for a period of one year beyond the current academic year. Penalties in excess of this minimum sanction shall be determined on a case-by-case basis. After completing the prescribed period of suspension from enrollment or employment imposed, students, faculty or other employees who return to enrollment or employment may be subject to AOD Probation for a minimum period of one semester. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions (including community service) as the Chancellor or Chancellor's designee deems appropriate. Refusal or failure to abide by the terms of AOD Probation shall result in suspension from enrollment or from employment for at least the remainder of the probation period. For a second offense, any faculty member, administrator, or other employee shall be discharged and any student shall be expelled.

#### **E. Suspension Pending Final Disposition**

In certain circumstances, any student or employee who has been charged with violating this policy may be suspended from enrollment or employment before initiation or completion of disciplinary proceedings. If, assuming the truth of the charges, the Chancellor or the Chancellor's designee, in consultation with the General Counsel, concludes that the person's continued presence within the School community would constitute a clear and immediate danger to the health or welfare of other members of the School community, such a suspension may be imposed. If such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

#### **VI. Uniform Compliance**

- A. Compliance with the drug policy is a condition of employment.
- B. Anyone compensated by proceeds from a federal grant must report a conviction involving illegal drugs within five working days (as well as comply with the "Criminal Background and Credit Check and Criminal Conviction Reporting" policy).

#### **VII. Implementation and Reporting**

- A. The 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 members, administrators and other employees.
- B. The Chancellor shall include information concerning illegal drug activity on campus in the annual report the Clery Act requires.

## **Student Code of Conduct and Discipline**

### **I. Purpose**

This policy is intended to inform all members of the UNCSCA of the responsibility for establishing guidelines for conduct and for overseeing the administration of student discipline and the limited scope of the Board of Trustees in such matters.

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 UNCSCA Board of Trustees 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. This policy is not intended to expand the legal rights of any person or identifiable group of persons under state or federal law.

The first goal of this institution is to educate the students admitted to its programs. The freedom of students to learn is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. UNCSCA shall not abridge the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

## **II. Policy**

1. All students shall be responsible for conducting 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. Students at UNCSCA shall comply with the applicable Student Code of Conduct.
2. In applying regulations in the area of student discipline, UNCSCA shall adhere to the requirements of due process as set forth in Section 502 D (3) of the University Code and Section 700.4.1 of the UNC Policy Manual.
3. The following statements shall be included in any UNCSCA Student Code of 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.
4. The following provisions addressing specific student conduct that could lead to disciplinary action shall be included in any UNCSCA code of student conduct:
  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 UNCSCA's General Counsel as appropriate.

#### **E. Education and Advancement**

University 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 identity, creed, disability, or veteran status through:

- 1. Unlawful threats; or
- 2. Unlawful harassment creating a hostile environment as defined in this policy

#### **III. Procedures**

- A. 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 and the UNC Policy Manual Section 700.4.1, which are incorporated by reference in this policy.
- B. Notice Requirements: The applicable Student Code of Conduct must define prohibited conduct and specify the sanctions that may be imposed for each category of prohibited conduct. Ranges of violations and ranges of sanctions are permissible. Progressive sanctions for multiple violations are also permitted.
- C. The Chancellor is responsible for ensuring that the Student Code of Conduct and sanctions are reviewed at least annually to ensure that the Code, rules, and regulations are up to date and that the students have notice of any accomplishments and. The Conduct Policy Committee will review the Code, rules, regulations, and sanction provisions and approve any accomplishments and. The Conduct Policy Committee will be composed of a representative from each school, high school and college academic programs, campus police, and student life, with non-voting input from the Student Artist Association and High School Advisory Council.
- D. The Conduct Policy Committee shall provide an annual report to the Educational Planning and Policies/Student Life Committee of the Board of Trustees summarizing actions and accomplishments and.

## Student Grievance and Complaints

UNCSA provides several means by which a student may address complaints and grievances. Students are advised to put their concerns in writing and carefully document the events that led to the complaint or grievance. As it is sometimes confusing as to which of the routes listed below should be followed, students are advised to contact the Vice Provost and Dean of Student Affairs Office for advice on which procedure to follow. Concerns should be expressed as soon as possible after the event occurs; some of the procedures have specific deadlines for filing grievances and/or complaints.

Additional information concerning student grievances and complaints can be found on the following website: <https://www.uncsa.edu/mysa/current-students/student-grievance-complaints.aspx>