

The University of North Carolina at Chapel Hill
Campus COVID-19 Community Standards
Administrative Process¹

I. Overview and Summary

In response to the COVID-19 pandemic, the University has adopted [COVID-19 Community Standards](#) designed to protect the health and safety of individuals, the campus, and surrounding communities. These Community Standards are applicable to all students regardless of the mode of academic instruction and are a precondition to University enrollment and access to University facilities. The COVID-19 Community Standards are also applicable to recognized student organizations. Failure by students or student organizations to adhere to these Community Standards may result in administrative and/or disciplinary action, up to and including disenrollment from the University or loss of University recognition. Behavior by students on University premises or the premises of student groups affiliated with the University, as well as behavior that occurs elsewhere if University interests are implicated may be addressed under this Administrative Process. This Administrative Process sets the standards for responding to reported non-compliance with the University's COVID-19 Community Standards by students and student organizations. This Administrative Process does not replace or supplant any other administrative or disciplinary process adopted by the University. Students and student organizations remain subject to the requirements of all other University policies, including, but not limited to, Carolina Housing Community Living Standards, the UNC Alcohol Policy, and the Instrument of Student Judicial Governance (*i.e.*, Honor Code).

II. Administrative Review Process

A. Referral of Alleged Violations of COVID-19 Community Standards

The Office of Student Conduct is designated to receive referrals for reports involving students and/or student organizations wherein it is alleged that the actions of the student(s) or student organization(s) are not in compliance with the University's COVID-19 Community Standards. For incidents of non-compliance occurring within the residence halls or Granville Towers, referral shall be made to Carolina Housing which shall review the matter under the Carolina Housing Administrative Review Process.

B. Hearing Officer

For each reported violation, the Office of Student Conduct will designate a Hearing Officer to review and act on the report as set forth in this Administrative Process.

C. Procedural Rights

A student or student organization alleged to have violated the COVID-19 Community Standards is afforded certain procedural rights:

1. To receive a notice of the potential violation(s) as set forth herein;

¹ This revised process is adopted with an effective date of _____, 2021 and is applicable to all alleged violations occurring on or after that date.

2. To be informed of the procedural alternatives available to respond to any alleged violation(s);
3. To review relevant evidence against them;
4. To be presumed not responsible until evidence of their involvement in the violation is proven by a preponderance of the evidence standard (i.e., more likely than not);
5. To have an objective and impartial hearing;
6. To have their hearing held within a reasonable amount of time;
7. To be represented by an attorney or non-attorney advocate. Further information can be found at the [UNC Office of Student Conduct's website](#);
8. To present witnesses or evidence on their behalf; and
9. To appeal the outcomes of this process.

D. Initial Review and Notice

The designated Hearing Officer will conduct an initial review of reports of alleged violations. In each instance where there is a reasonable basis to determine that a violation of the COVID-19 Community Standards may have occurred, the Office of Student Conduct shall provide the student or student organization with written notice of the potential violation including a brief description of the alleged behavior(s), a link to or copy of this Administrative Process, and the date and time of an Administrative Meeting. For purposes of this section, email communication to the student's UNC email account or the UNC email account of the student organization representative(s) as designated in HeelLife shall satisfy this notice requirement.

E. Administrative Meeting

The Administrative Meeting will be conducted remotely (unless otherwise specified) as scheduled by the Office of Student Conduct. Any request to reschedule or postpone an Administrative Meeting shall be provided to the Hearing Officer in writing prior to the date and time of the Administrative Meeting. Such requests are committed to the discretion of the Hearing Officer and will only be granted upon a showing of good cause. If a student or student organization representative fails to attend the Administrative Meeting, the Hearing Officer shall proceed without the attendance of the student or student representative.

During the Administrative Meeting, the Hearing Officer shall review and inform the student or student organization representative of:

- (1) the alleged violation(s);
- (2) relevant information or evidence within the Hearing Officer's possession supporting the allegation on non-compliance with COVID-19 Community Standards;
- (3) the alternatives available in responding to the alleged violation(s);
- (4) potential administrative actions or sanctions upon a finding of responsibility; and
- (5) applicable procedural rights.

During the Administrative Meeting, the Hearing Officer will provide the student or student organization representative with an opportunity to review any relevant evidence. The student or student organization representative may choose to make a statement or provide additional information during the Administrative Meeting, but is not required to do so.

At the conclusion of the Administrative Meeting, the Hearing Officer will exercise one of the following options:

1. Determine that no reasonable basis exists to formally charge the student or student organization with violating the COVID-19 Community Standards, thereby dismissing the case;
2. Determine that additional information or investigation is needed to make a formal charge decision;
3. Determine that a reasonable basis exists to formally charge the student or student organization with violating the COVID-19 Community Standards and provide an opportunity to either resolve the matter immediately or proceed to an Administrative Hearing at a later date as provided below:
 - a. If the student or student organization and the Hearing Officer choose to resolve the matter immediately, the Administrative Meeting becomes a Mutual Resolution in lieu of an Administrative Hearing, wherein the student or student organization and the University mutually agree to resolve the matter, and the case becomes final with no further right to appeal.
 - b. If the student or student organization chooses an Administrative Hearing at a later date, the Hearing Officer will send the student or student organization representative a written notice of all violations they have been charged with, and a scheduled date and time for the Administrative Hearing. The Administrative Hearing will occur at least five (5) business days after the issuance of the formal charge(s), unless extraordinary circumstances apply. If a student or student organization wishes to hold the Administrative Hearing on a date prior to five (5) business days after the issuance of the formal charge, this request must be made in writing. This written request will be submitted to the Hearing Officer who shall determine when to schedule the Administrative Hearing.
4. Determine that the matter should be referred, in whole or in part, for consideration under a separate administrative or disciplinary policy, including, for example, the *Instrument of Student Judicial Governance*.

F. Mutual Resolution

A Mutual Resolution permits the Hearing Officer and the student or student organization to resolve the case upon mutually agreeable terms consistent with this policy. A Mutual Resolution is voluntary and may be discontinued by the Hearing Officer or the student or student organization for any reason prior to completion. If a case is not resolved via Mutual Resolution, then the matter proceeds to an Administrative Hearing. All Mutual Resolution agreements shall be in writing and signed by the Hearing

Officer and the student or student organization representative. A Mutual Resolution is complete at the time that the Hearing Officer and the student or student organization representative sign the agreement. Upon completion of a Mutual Resolution agreement, the case becomes final and there is no further right to appeal.

G. Administrative Hearing

The Administrative Hearing will be conducted remotely (unless otherwise specified) as scheduled by the Office of Student Conduct. During an Administrative Hearing, the Hearing Officer shall present the evidence within the Hearing Officer's possession and the student or student organization may provide any information or statements that they deem important for the Hearing Officer to consider, including witnesses. If a student or student organization has a reasonable basis to conclude the Hearing Officer cannot consider the case impartially, they may request that a different Hearing Officer be assigned to their case prior to the start of the hearing. If the student or student organization representative fails to attend the Administrative Hearing without prior written notice and the failure to attend is not due to extraordinary circumstances, the Hearing Officer will conduct the Administrative Hearing in the absence of the student or student organization representative and render a decision based on the information available.

In determining a finding of responsibility, the Hearing Officer shall utilize a "preponderance of the evidence" standard. This standard means that after careful and impartial consideration of the evidence and witness testimony presented during the Administrative Hearing, the Hearing Officer determines it is more likely than not that the student committed the alleged violation(s) of the COVID-19 Community Standards. The Hearing Officer's decision shall rest solely on the evidence contained in the record of the Administrative Hearing. For each violation for which the student or student has been charged, the Hearing Officer shall determine whether the student or student organization is responsible or not responsible. The Hearing Officer shall provide a decision letter containing a notification of the outcome within ten (10) business days, unless good cause exists for a longer period of time. The decision letter shall also include, if applicable, notice of any appeal right and the deadline by which to submit an appeal petition.

III. Administrative Actions and Sanctions

Upon a determination that a student or student organization has violated the COVID-19 Community Standards, the Hearing Officer shall determine appropriate administrative actions or sanctions specific to the individual case.

A. Guiding Principles

Administrative actions and sanctions for violations of the COVID-19 Community Standards serve multiple purposes, including, but not limited to, protecting the health and safety of the campus community, holding students and student organizations accountable for the expectations agreed to as a condition of enrollment, and educating students regarding responsible decision-making. A Hearing Officer may consider any or all of the following when determining an appropriate outcome:

1. The gravity of the violation in question including, but not limited to, the intent and deliberation involved in engaging in the violation; implications for the health and safety

of other members of the University and surrounding community; and University interests impacted by the behavior.

2. The importance of learning in order to develop a greater sense of responsibility for one's actions and consequences to others, including but not limited to, a demonstrated sense of responsibility, demonstrated respect for the importance of personal integrity, existence of plans to correct the violation and/or prevent future violations.
3. The importance of equitable treatment for similar violations.
4. Previous conduct history of the student or student organization which may include prior or recurrent patterns of misconduct under any University disciplinary policy.
5. Other compelling circumstances, including but not limited to, extraordinary personal circumstances of a student or student organization.

i. Available Administrative Actions or Sanctions

The following administrative actions and sanctions may be selected alone or in combination upon a determination of a violation of the COVID-19 Community Standards:

1. Written warning and notice to maintain a safe and healthy environment by upholding the COVID-19 Community Standards. A written warning shall convey that future non-compliance may result in more serious measures.
2. Educational interventions designed to educate the student or student organization, effect compliance, and protect the health and safety of the campus community.
3. Completion of up to 60 hours of community service.
4. Restrictions on access to or use of designated University facilities. In appropriate cases, this may include barring a student from entering or being present on University property for a designated period of time.
5. Loss of privileges, including, but not limited to, attendance at campus events or sports activities and/or participation in co-curricular activities or intramural sports.
6. Deferred or immediate removal from University housing.
7. Disenrollment from one or more in-person courses.
8. Mandatory transition to remote-only instruction.
9. Suspension or disenrollment from the University for a period of time determined by the Hearing Officer.
10. Referral for disciplinary action under applicable University policies.

In addition to any of the foregoing, student organizations are subject to:

1. Activity restrictions, prohibiting the student organization from sponsoring or participating in specified activities, including but not limited to, social activities, parties, event functions, or intramural competitions, for a specified period of time.
2. Space restrictions, prohibiting the student organization from use of University facilities or property for meetings or any other activities, for a specified period of time.

3. Privilege restrictions, prohibiting the student organization from specific privileges that are not activity or space restrictions, for a specified period of time. Privilege restrictions may include, but are not limited to, prohibiting the recruitment of or addition of new members to the student organization.
4. Group suspension. For a specified period of time, temporary removal of a student organization's status as recognized or affiliated with the University. Suspension may limit recruitment or addition of new members to the student organization. Suspension may include other restrictions or sanctions as conditions to return to good standing, as provided in writing, but does not restrict any privileges to occupy or hold property.
5. Revocation of Recognition. A permanent revocation of a student organization's affiliation or recognition by the University, if approved by the Chancellor or designee.

ii. Implementation of Administrative Actions and Sanctions

In each case, the Hearing Officer will provide the student or student organization with written notice of any administrative action(s) or sanction(s). Records of administrative actions resulting from a violation of COVID-19 Community Standards shall not appear on a student's disciplinary record. Records of any disciplinary sanction imposed under a separate University policy will be maintained in accordance with the requirements of that policy. The Office of Student Conduct and Carolina Housing will jointly maintain a record of all violations of the COVID-19 Community Standards which shall be considered by a Hearing Officer when considering any instance of future non-compliance.

Students found in violation of the COVID-19 Community Standards and resulting in removal from campus housing, suspension, or disenrollment from one or more courses shall not be entitled to a refund of any tuition, fees, or rents for the term in which the penalty is imposed, except as may be expressly noted in any applicable policy.

IV. Appeals

A student or student organization may appeal the decision from an Administrative Hearing based only on the following grounds:

- A. **Procedural Rights:** A violation of procedural rights afforded to the student or student organization that substantially affected the original outcome;
- B. **Newly Discovered Information:** Newly discovered information has been obtained that was not previously available during the initial investigation or the Administrative Hearing process through the exercise of due diligence, and this newly discovered information would substantially affect the outcome.
- C. **Severity of Sanction:** The sanction lacks a reasonable basis or is unreasonably severe as applied in the individual case. An appeal based on severity of sanction is permissible only when the original sanction includes disenrollment from one or more courses or suspension from the University.

Dissatisfaction with the original outcome is not a valid basis for appeal.

All appeals must be submitted, in writing, to the Office of Student Conduct. Appeal petitions will be provided to an Appeal Administrator designated by the Vice Chancellor for Student Affairs in consultation with the Chancellor. Any appeal petition must be submitted within two (2) business days from delivery of the written decision of the original Hearing Officer. The appeal petition should be a plain, concise written statement describing with particularity the basis for the appeal and include any supporting documentation. Unless a meeting is requested and approved by the Appeal Administrator, the Appeal Administrator shall render a decision on the basis of the written appeal petition and the record of the case. Any administrative actions or sanctions imposed by the Hearing Officer will not be enforced until the deadline for submission of the appeal petition has passed. Once an appeal petition is submitted, pending administrative action(s) and sanction(s) will not be enforced until after the written determination of the Appeal Administrator is provided to the student or student organization. The University may take interim action prior to the final determination of the Appeal Administrator in order to preserve the safety and well-being of the campus community. Interim action may include, but is not limited to, temporary removal from campus housing, restriction on access to or use of University facilities, restriction on access to campus services, and/or temporary restriction on in-person class attendance. For student organizations, interim action may include, but is not limited to, restriction on use of campus facilities or restriction on activities.

The Appeal Administrator will issue their decision within ten (10) business days after receipt of the appeal petition, unless good cause exists for a longer period of time. The Appeal Administrator may uphold the original decision, remand for a new Administrative Hearing, reverse and dismiss the case, or modify the administrative action(s) or sanction(s). The decision of the Appeal Administrator is final, and there is no opportunity for further review.