

**Emergency Evaluation and Action Committee Policy and
Procedures**

The University of North Carolina at Chapel Hill

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Emergency Evaluation and Action Committee Policy and Procedures

The University of North Carolina at Chapel Hill (Revised March 2011)

In keeping with the long tradition of student self-governance at The University of North Carolina at Chapel Hill, the Chancellors of the University have delegated a portion of their authority in matters of student discipline to a student judicial system that functions in accordance with The Instrument of Student Judicial Governance. From time to time, however, the University is faced with situations involving behavior of applicants for admission, who are not yet within the jurisdiction of the student judicial system, and situations involving students that require a University response because they pose some danger to the University and/or its processes but that are not cognizable under the Instrument. Occasionally emergency situations arise in connection with student behaviors, which require a faster response than the student judicial system's procedures can provide. To address all of these situations and to fulfill the University's obligation to provide a safe campus, the Emergency Evaluation and Action Committee has been established.

I. COMMITTEE MEMBERSHIP

The Vice Chancellor for Student Affairs¹, the Director of Counseling and Wellness Services, a faculty or professional staff member from the Committee on Student Conduct (designated by the Chair of that Committee), a representative of the Department of Housing and Residential Education designated by the Director of Housing and Residential Education, and the University's Chief of Police shall be permanent members of the Committee. The Committee shall be chaired by the Vice Chancellor for Student Affairs or his/her delegate. The following University officials will also sit on the Committee in the situations indicated below:

- A. In a case involving an applicant for admission, the Dean or Director of Admissions for the unit to which the individual has applied (the Dean or Director shall be a non-voting member);
- B. For an enrolled undergraduate, the Dean of the General College, the Dean of the College of Arts and Sciences, or the Dean of the school in which the student is enrolled, as appropriate;
- C. For a post-baccalaureate student enrolled through the Division of Continuing Studies, the Director of the Division of Continuing Education;
- D. For an enrolled graduate student, the Dean of the Graduate School and either the Chair of the student's department or, in non-department schools, the Dean of the school in which the student is enrolled;
- E. For an enrolled summer visitor, the Director of the Summer School;
- F. For a student enrolled in the School of Law, the School of Medicine, the School of Dentistry, the MBA/MAC Program, the School of Pharmacy, the School of Social Work or the program, both the Dean/Director of the school or program and a faculty or staff member designated by the Dean/Director for this purpose. Any member of the Committee may send a delegate to act in his/her stead.

II. COMMITTEE JURISDICTION

Students whose cases may be considered by the Committee fall into five categories:

- A. An applicant for admission or readmission to the University who has been convicted of a crime involving assaultive or felonious behavior, who has a record of violent behavior, or who has a record of academic dishonesty or disciplinary rule violations elsewhere;
- B. A student whose behavior, on or off campus, is such that his/her presence in the University, in the judgment of the Committee, poses a serious threat of disruption of the academic process or a continuing danger to other members of the University community or University property;
- C. A student or applicant for admission who has been arrested and charged with a serious crime of a violent or dangerous nature, or a serious crime that involved placing another person in fear of imminent physical injury or danger, where, in the judgment of the Committee, if the student is found guilty, his/her presence in the University would pose a serious threat of disruption of the academic process or a continuing danger to other members of the University community or University property;
- D. A student, charged by the University with a violation of policies concerning illegal drugs, whose continued presence within the University community would, if the charges are true, constitute a clear and immediate danger to the health or welfare of other members of the University community; or
- E. A student whose behavior on or off campus is such that, in the judgment of the Committee, he/she poses a danger to himself/herself.

III. COMMITTEE PROCEDURES IN SPECIFIED SITUATIONS

A. Applicants for Admission

Most cases involving an applicant for admission will be handled by the appropriate admissions office, in consultation with the Office of the Dean of Students, if necessary. Either office, however, may refer a case to the Committee.

In the event of referral, the Committee shall determine whether the applicant's previous behavior potentially poses a serious danger to members of the University community, University property, or the proper functioning of the academic process. The Committee may interview the applicant to ascertain, among other things, whether he/she has an understanding of the past offense, the ability to learn from the experience, and a desire to obtain an education in order to fulfill future goals.

Unless the Committee clears the applicant, the admissions office shall not act on the application for admission. The Committee only determines whether the student's past behavior should render him/her ineligible for admission consideration. The admissions office is responsible for evaluation of the applicant's academic and other qualifications.

B. Dangerous or Disruptive Student Behavior

Usually student behavior that appears to fall under Category II.B above will also constitute an offense under The Instrument of Student Judicial Governance. The Student Attorney General and the Office of the Dean of Students will handle it through the Student Judicial System. However if the Vice Chancellor for Student Affairs and the Student Attorney General decide that the facts of a case indicate that the student's presence in the University poses a serious threat or disruption of the academic process or a continuing danger to other members of the University community, or University property AND the immediacy of the danger or threat is so great that emergency action should be taken, the Vice Chancellor for Student Affairs and the Student Attorney General, shall withdraw the case from the jurisdiction of the Student Judicial System and refer the case to the Committee.

If the Committee agrees that emergency action is warranted, it shall summarily suspend the student from the University indefinitely or take other appropriate action to minimize the risk. It may then, in its discretion, retain jurisdiction over the case or return jurisdiction to the Student Judicial System. If the Committee decides that summary action is not warranted, jurisdiction over the case will be returned to the Student Judicial System.

C. Students/Applicants Charged with a Crime

When a student has been arrested and charged with a violent or dangerous crime or one that involved placing a person in fear of imminent physical injury or danger, the Vice Chancellor for Student Affairs and the Student Attorney General may decide to withdraw the matter from the jurisdiction of the Student Judicial System, if applicable, and refer the case to the Committee. When the University learns that an applicant for admission has been arrested and charged with a violent or dangerous crime or one that involved placing a person in fear of imminent physical injury or danger, the Committee will consider the case.

The Committee shall consider whether, if the student or applicant were to be found guilty of the crime charged, his/her presence in the University would pose a serious threat of disruption of the academic process, or a continuing danger to other members of the University community or University property. If the Committee determines that a guilty verdict would have this effect, it shall summarily suspend the student from the University indefinitely or take other appropriate action to minimize the risk. In its discretion the Committee may retain jurisdiction over the case. Otherwise, jurisdiction over the case will be returned to the Student Judicial System immediately.

D. Students Charged with a Violation of University Drug Policies

An alleged student violation of University policies concerning illegal drugs is an offense under The Instrument of Student Judicial Governance². However, if the Vice Chancellor for Student Affairs decides that the facts alleged are such that the accused student's continued presence within the University community might constitute a clear and immediate danger to the health or welfare of other members of the University community, the Vice Chancellor shall refer the case to the Committee to determine whether the student should be summarily suspended or whether other appropriate action should be taken pending final disposition of the case within the University. In its discretion the Committee may retain jurisdiction over the case. If it chooses to do so, the Committee will deal with the case in accordance with the Policy on Illegal Drugs of The Board of Trustees of The University of North Carolina at Chapel Hill. Otherwise jurisdiction over the case will be returned to the Student Judicial System.

In considering summary action, the Committee shall decide whether, if the charges against the student are true, his/her 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. If the Committee makes such a finding, it shall summarily suspend the student from the University or take other appropriate action pending the final disposition of the case. If the Committee summarily suspends the student, the hearing of the charges against the student shall be held as promptly as possible thereafter, whether the hearing is before the Committee or the Student Judicial System.

E. Student Behavior Posing a Danger to Self

Student behavior that appears to fall under II.E above that is not cognizable under sections II, B., C, or D., may not be cause for disciplinary action. The Committee's focus, in such cases, shall be on the student's psychological well-being. Actions taken under this section are therapeutic in nature, not punitive, and shall not be considered disciplinary

actions. Consequently, in cases arising under section II.E, the Vice Chancellor for Student Affairs is not required to consult the Student Attorney General before referring the case to the Committee.

The Committee shall consider whether the student's behavior and other facts of the case indicate that the student poses a danger to himself/herself and whether the immediacy of the danger is so great that emergency action should be taken.

If the Committee agrees that emergency action is warranted, it shall summarily impose an indefinite medical suspension on the student or take other appropriate action to minimize the risk, including referral of the student, on an emergency basis, to the Department of Counseling and Wellness Services for assessment.

F. Emergency Action

In an emergency situation under II.B, C, or D., or E., when the Committee cannot be immediately convened, the Vice Chancellor for Student Affairs or his/her delegate shall have the power to invoke the full authority of the Committee for summary suspension (or summary medical suspension in an emergency situation arising under II.E.), or, after consultation, to take other appropriate summary action to minimize the risk. Whenever this is done, the full Committee shall be convened as soon as feasible thereafter to consider the facts of the case and the Vice Chancellor's action. After consideration, the Committee may either ratify the Vice Chancellor's action or reverse it and take any other appropriate action.

In such emergency situations under II.B, C, or D., the Vice Chancellor for Student Affairs or his/her delegate shall inform the Student Attorney General of all actions taken under the authority of this policy.

G. General

Withdrawal of Jurisdiction: In situations arising under Sections III.B.⁴, C.⁵, and D., if the Vice Chancellor for Student Affairs is unable to contact the Student Attorney General in a timely manner, or if the Vice Chancellor and the Student Attorney General disagree about withdrawing the case from the jurisdiction of the Student Judicial System, the Vice Chancellor for Student Affairs shall withdraw the case from the jurisdiction of the Student Judicial System and refer it to the Committee. If the student is enrolled in a professional school, the Vice Chancellor shall consult with the Dean of that school before making a decision, however, the ultimate decision on withdrawal and referral shall be the responsibility of the Vice Chancellor for Student Affairs.

Considerations Involved- Finding a Disruption of the Academic Process: In evaluating the student's behavior under Section III.B and C to determine whether it poses a serious threat of disruption of the academic process, the Committee shall act in light of The Code of the Board of Governors University of North Carolina Chapter VI, Section 600³.

Right to a Hearing: When the Committee takes summary action in a student's case under III.B.4, C. and D., or imposes a summary medical suspension under III.E., the student shall have the right to request a subsequent hearing before the Committee on the issue of the appropriateness of the summary action taken in his/her case. Any summary suspension, including a summary medical suspension, shall remain in effect while the hearing is pending. If the Committee decides after the hearing that pretrial suspension is appropriate in cases under III.B, C, and D, the suspension shall remain in effect until the conclusion of all proceedings in the student's case.

Summary Suspension Not Evidence of Guilt: The Committee's decision to suspend a student summarily under III.B, C or D shall not be construed as an adjudication of the student's guilt or innocence of the violation charged; nor shall it be considered as evidence of the student's guilt or innocence in subsequent Student Judicial System proceedings.

III. COMMITTEE POWERS

- A. The Committee may obtain and use any relevant information about the behavior of a student or applicant or about criminal charges that have been brought against him/her. Such information shall include, but is not limited to, copies of police records and court documents, written summaries of information obtained by University administrators from others, written statements, and oral testimony. Formal rules of evidence shall not apply.
- B. The Committee may, in its discretion, have an applicant's present condition evaluated, at University expense, by a mental health professional of the Committee's choice or may administratively refer a student for evaluation by the University's Counseling and Wellness Services Office. In either situation the applicant or student in question will be put on notice that the results of the evaluation will be communicated to the Committee and will not be protected by medical privilege. The Committee will not be bound by the opinions and recommendations contained in such an evaluation. The Committee may also consider opinions and recommendations offered by a mental health professional retained by the applicant or student, at that person's expense but will not be bound by those opinions or recommendations.
- C. In appropriate cases Committee action may include one or more of the following:
 1. Summary suspension;
 2. Summary medical suspension;
 3. Reinstatement of a student who has been summarily suspended by the Committee or the Vice Chancellor for Student Affairs;
 4. Reinstatement of a student who has been indefinitely suspended by the Committee;

5. Ordering that an applicant not be considered for admission due to his/her behavioral history;
6. Referral to the Student Attorney General for proceedings under The Instrument of Student Judicial Governance;
7. Permitting the student to remain enrolled, with case management by the Office of Counseling and Wellness, subject to his/her compliance with specified conditions set by the Committee, violation of such conditions to be a ground for reopening the case against the student;
8. Mandatory medical withdrawal;
9. Indefinite suspension;
10. Recommendation for expulsion; or
11. Imposition of any other sanction or administrative remedy that is reasonable and appropriate under the circumstances.

V. HEARING PROCEDURE

A. Voting

A quorum of the Committee shall consist of any two permanent members plus at least one of the appropriate persons listed in Section I. A.-F. above. In case of a tie vote, the Vice Chancellor for Student Affairs shall decide the matter.

B. Notice of Hearing

By the letter informing him/her of the Committee's summary action, the student shall also be notified that he/she has the right to request, in writing, a hearing on his/her case. The letter shall be sent to the student at his/her last known address, according to University records, by regular, certified, or electronic mail; hand-delivered by a University official; or delivered by such other method as may be reasonably calculated to reach the student in a timely fashion.. It shall explain the charges against the student and/or the section of the policy under which the case will be considered; the character of the evidence against him/her, the possible penalties involved, and his/her rights under this document: the right of due process and fair hearing; the presumption of innocence until found guilty; the right to be assisted, at his/her own expense, by counsel or a friend of his/her own choosing in the preparation of his/her defense. If the student thereafter requests a hearing, it shall be set no sooner than seven days from the date of the student's written request unless the student requests an earlier hearing.

C. Suspended Student's Presence on Campus

A student who has been suspended under this policy, including a summary medical suspension, may not participate in any University activities or responsibilities, may not attend classes and may not come to the campus except to attend a Committee hearing or Student Judicial System proceeding in his/her case. If the student comes to the campus for one of these reasons, he/she must immediately leave the campus at the end of the meeting. Persons who schedule a meeting with such a student shall notify the campus police, in advance, of the time and place of the meeting.

D. Standards for Decision

The Committee's decision will be based on all the evidence before it, and the standard of proof shall be by a preponderance of the evidence. The Committee must make the following finding before a post-hearing sanction may be imposed on a student or other post-hearing action taken:

1. *Under Section III.B.:* the Committee must find that the student committed the offense in question.
2. *Under Section III.C.:* the Committee must find that the student has been charged with the crime in question, that the charge does not appear to be frivolous, and that, if the student committed the crime with which he/she is charged, his/her presence on the campus would pose a serious threat of disruption of the academic process or a danger to the student, other persons or property.
3. *Under Section III.D.:* before the Committee may suspend a student pending the outcome of Student Judicial System proceedings in his/her case, it must find that, if the charges against the student are true, his/her 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.
4. *Under Section III.E.:* the Committee must find that the student's behavior poses a danger to the student him/herself.

E. Committee Records

Minutes of the hearing, but not of the Committee's deliberations, shall be kept. The Vice Chancellor for Student Affairs or his/her delegate shall be responsible for all records of Committee proceedings.

F. Notification of Outcome

Following the hearing the student shall be notified of the Committee's decision by a letter sent to the address he/she has supplied at the hearing, or, if he/she has not supplied an address at the hearing, to his/her last known address, according to University records.

In accordance with the provisions of the federal Family Educational Rights and Privacy Act of 1974, as amended, the Committee may also disclose the results of the hearing to the alleged victim of the student's actions if:

1. the alleged actions involved the use, attempted use, or threatened use of physical force against the person or property of another; or
2. the alleged actions constituted a felony that, by its nature, involves a substantial risk that physical force may be used against the person or property of another.

G. Consequences When Indefinite Suspension Continued, Mandatory Medical Withdrawal Imposed or Directed, or Expulsion Recommended After Committee Hearing:

If, after a hearing, the Committee continues the student's indefinite suspension or orders a mandatory medical withdrawal of the student, or if the Chancellor accepts the Committee's recommendation that the student be expelled, the Office of the Dean of Students shall formally withdraw him/her from school⁶. If the student has paid rent for University housing for that term, he/she shall receive a pro-rata refund of rent for the portion of the term that remains, less the University Housing Department's cancellation fee.

1. *Sections III. B., D, and E.:* The student will receive the same prorated refund of tuition and fees (less the usual deposits and charges⁷) that any student receives after formal withdrawal from the University.
2. *Section III. C.:* The student will receive a full refund of any tuition and fees he/she has paid for the term in question, less the usual deposits and charges.

H. Expulsion: If the Committee recommends that a student be expelled, his/her indefinite suspension shall continue pending the Chancellor's decision on the expulsion recommendation. The Chancellor may accept the recommendation of expulsion, impose a lesser sanction, or find the student not guilty.

I. Reinstatement after Hearing or Student Judicial System Proceedings:

1. Section III.C.: If the student is reinstated after the Committee hearing but, by the time of reinstatement, he/she has missed so much classwork that it will be impossible to complete the courses before the end of the term, he/she may choose either to take a grade of "incomplete" in those courses with the consent of the applicable faculty members, and complete them in the normal period of time allowed for completion of "incompletes" under University regulations or he/she may choose to withdraw for the semester in question and receive a full refund of tuition and fees, less the usual deposits and charges.
2. Section III.D.: If, at the conclusion of Student Judicial System or Committee proceedings, the student is exonerated of the charges against him/her or receives a lesser sanction than suspension but has missed so much classwork that it will be impossible to complete the courses before the end of the term, he/she may choose to take "incompletes" as described above or may withdraw for the semester in question and receive a full refund of tuition and fees, less the usual deposits and charges.

VI. **APPEALS IN CASES INVOLVING DENIAL OF ADMISSION AND POST-HEARING PROCEDURES**

- A. If the Committee rules that an applicant is ineligible for admission consideration, the applicant may appeal as provided in the admissions policy of the Board of Trustees.
- B. If the Committee recommends that the student be expelled, the Chancellor shall consider the recommendation and decide whether to accept it. The Chair of the Committee (or his/her delegate) shall prepare the record of Committee proceedings and forward it to the Chancellor. The record shall include the minutes taken during the proceedings and a copy of all documents and other writings introduced in evidence at the hearing. It shall not include any record of the Committee's deliberations. Before deciding whether to accept the Committee's recommendation of expulsion, the Chancellor may, at his/her discretion, meet with the student or the student's representative.
- C. If the Committee suspends, or imposes other sanctions on, the student or in cases arising under II.E, mandates the student's medical withdrawal or imposes conditions on his/her remaining in school, and the student believes that the outcome was unreasonable or that the procedures used were unfair, the student may appeal, in writing, to the Chancellor.
- D. A former student, who has been indefinitely suspended by the Committee under sections III. B., C., or D. and wishes to return to the University, must formally petition the Committee for reinstatement. In the absence of extraordinary circumstances⁸, such a petition may normally be filed no sooner than six months after the date of his/her withdrawal. In considering a petition for reinstatement, the Committee may request a personal interview with the former student or any other information or reference that might help it reach a decision.

A former student who has been medically withdrawn under III.E., and wishes to return must follow the normal University procedures for readmission clearance after a medical withdrawal. In addition the former student must sign a release authorizing the Committee and the Counseling and Wellness Services Office to have access to his/her medical and/or psychological records for the time period since the student was last enrolled.

A former student who petitions the Committee for reinstatement must also apply to the University for Readmission. An individual should be aware that, after an absence of a certain duration, the Graduate School,

School of Law, School of Medicine and School of Business require the applicant for readmission to compete for readmission with the other applicants for the entering class in that year.

¹Whenever this document refers to the Vice Chancellor for Student Affairs, the term includes the Vice Chancellor's delegate.

²If the crime for which the student was arrested and charged is one that would also constitute a violation of University policies concerning illegal drugs, it will be handled under section IV. D.

³CHAPTER VI - ACADEMIC FREEDOM AND TENURE-SECTION-600. FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY

(1) The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages 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.

(2) 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. Faculty and students of the University of North Carolina shall 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.

⁴There is one exception to the general rule for a student summarily suspended under III. B. If he/she is a medical student; if his/her behavior appears to have resulted from substance abuse; and if he/she has refused, been noncompliant with, or been unsuccessful with treatment as provided for in the School of Medicine's Policy on Impairment of Medical Students Due to Substance Abuse, the School of Medicine's Student Promotions Committee shall handle the case in accordance with its procedures.

⁵If criminal charges arising out of the same fact situation are pending against the student at the time of the institutional hearing, the student may choose to go ahead with the hearing or may request that it be delayed until the pending criminal case has been resolved. In either situation, pending the outcome of the hearing, the student's suspension shall remain in effect. If the student chooses to delay institutional proceedings until the criminal case has been resolved, institutional proceedings will be resumed under Section IV. B. immediately thereafter if the Vice Chancellor for Student Affairs decides further action is warranted.

⁶If the student is expelled or suspended, that fact will be entered as a notation on the student's permanent academic record, during such time as the imposed sanction is active, along with the notation that the student is ineligible to return without clearance from the Office of the Dean of Students. If the sanction is later terminated or, in the case of expulsion, removed by the Chancellor, the notation will be removed from the permanent academic record. Each notation concerning such a sanction will be made by the University Registrar upon authorization by the Vice Chancellor for Student Affairs. If the student is subjected to mandatory medical withdrawal, it will be noted on the student's transcript in the same way as any other medical withdrawal.

⁷"Usual Deposits and Charges": In any case involving withdrawal, the tuition and fees refunded shall be reduced by the amount of the nonrefundable enrollment deposit and any charges against the student's account, such as library fines, unpaid parking tickets, returned-check charges, damages, and the like.

⁸Exoneration of the criminal charge that was the basis of an indefinite suspension under Section III.C, shall be considered an extraordinary circumstance.