

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 333

Short Title: UNC/Disciplinary Measures/Damage Campus Prop. (Public)

Sponsors: Representative Torbett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Universities, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 22, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE MANDATORY DISCIPLINE POLICIES FOR PROPERTY DAMAGE DURING PROTESTS OR DEMONSTRATIONS ON UNIVERSITY OF NORTH CAROLINA CAMPUSES AND TO REQUIRE ADDITIONAL INFORMATION REPORTED ON SAFETY CONCERNS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-300 reads as rewritten:

"§ 116-300. Policies required.

The Board of Governors of The University of North Carolina shall develop and adopt a policy on free expression that states, at least, the following:

...
(7) The Except as otherwise provided in this subdivision, the constituent institution shall implement a range of disciplinary sanctions for anyone under the jurisdiction of a constituent institution who substantially disrupts the functioning of the constituent institution or substantially interferes with the protected free expression rights of others, including protests and demonstrations that infringe upon the rights of others to engage in and listen to expressive activity when the expressive activity has been scheduled pursuant to this policy or is located in a nonpublic forum. A constituent institution shall implement the following mandatory disciplinary sanctions for any student enrolled at the constituent institution who, while present on the property of the constituent institution during a protest or demonstration, is found to have engaged in activity in violation of (i) G.S. 14-127 or (ii) G.S. 14-132(a)(2):

- a. Expulsion or suspension from the institution for at least one academic period.
- b. Revocation of State-funded student financial assistance for that academic period pursuant to G.S. 116-174.2.
- c. Eligibility for readmission and enrollment in the institution shall be contingent upon an amount of restitution agreed upon between the institution and the student for the property damage committed by the student. The amount of restitution agreed to be paid by the student shall not be required to represent the full cost of restoring the property to the original condition prior to



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damage and may also include work study as an option for meeting restitution conditions.

- (8) In all student disciplinary cases involving expressive speech or conduct, students are entitled to a disciplinary hearing under published procedures, including, at a minimum, (i) the right to receive advance written notice of the charges, (ii) the right to review the evidence in support of the charges, (iii) the right to confront witnesses against them, (iv) the right to present a defense, (v) the right to call witnesses, (vi) a decision by an impartial arbiter or panel, (vii) the right of appeal, and (viii) the right to active assistance of counsel, consistent with G.S. 116-40.11. In a disciplinary case of a student suspected of having engaged in activity in violation of G.S. 14-127 or G.S. 14-132(a)(2) while present on the property of the constituent institution during a protest or demonstration, the standard of proof of responsibility shall be no less than clear and convincing evidence."

SECTION 2. G.S. 116-301(c) reads as rewritten:

"(c) The Committee on Free Expression shall report to the public, the Board of Governors, the Governor, and the General Assembly by September 1 of every year. The report shall include all of the following:

- ...
- (2) A description of the administrative handling and discipline relating to these disruptions or ~~barriers~~barriers, including the enforcement of mandatory discipline policies under G.S. 116-300(7) and the readmittance of any students into a constituent institution who were subject to expulsion or suspension for at least one academic period as a result of the policy.

- ...
- (3a) Increase in security costs and recommendations regarding security issues at constituent institutions related to disruptions at constituent institutions.

...."

SECTION 3. G.S. 116-174.2 reads as rewritten:

"§ 116-174.2. Grounds for revocation of scholarships.

(a) Any student regularly registered and enrolled as an undergraduate, graduate, or professional student in a state-supported college, university or community college who shall be convicted, enter a plea of guilty or nolo contendere upon an indictment or charge for engaging in a riot, inciting a riot, unlawful demonstration or assembly, seizing or occupying a building or facility, sitting down in buildings they have seized, or lying down in entrances to buildings or any facilities, or on the campus of any college, university, or community college, or any student, whether an undergraduate, graduate or professional student who shall forfeit an appearance bond on an indictment or charge of any of the above-named offenses, shall have revoked and withdrawn from his or her benefit all ~~state-supported~~State-supported scholarships or any State funds granted to him or her for educational assistance.

(b) Any student enrolled at the constituent institution who, while present on the property of the constituent institution during a protest or demonstration, is found to have engaged in activity in violation of G.S. 14-127 or G.S. 14-132(a)(2) shall have revoked and withdrawn from his or her benefit all State-supported scholarships or any State funds granted to him or her for educational assistance as required by G.S. 116-300(7).

(c) It shall be the duty of all persons or officials having charge of and authority over the granting of ~~state-supported~~State-supported scholarships or any other form of financial assistance to immediately revoke and withdraw same in the event and upon the happening of any of the conditions or matters ~~above enumerated;~~set out in subsection (a) or (b) of this section; provided, however, that in subsequent academic terms any such student shall be eligible to be considered for and to be granted financial assistance from State funds."

1 **SECTION 4.** This act is effective when it becomes law and applies beginning with
2 the 2021-2022 academic year.