

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

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE MANDATORY DISCIPLINE POLICIES FOR PROPERTY  
3 DAMAGE DURING PROTESTS OR DEMONSTRATIONS ON UNIVERSITY OF  
4 NORTH CAROLINA CAMPUSES AND TO REQUIRE ADDITIONAL INFORMATION  
5 REPORTED ON SAFETY CONCERNS.

6 The General Assembly of North Carolina enacts:

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

8 "§ 116-300. Policies required.

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

11 ...  
12 (7) ~~The~~ Except as otherwise provided in this subdivision, the constituent  
13 institution shall implement a range of disciplinary sanctions for anyone under  
14 the jurisdiction of a constituent institution who substantially disrupts the  
15 functioning of the constituent institution or substantially interferes with the  
16 protected free expression rights of others, including protests and  
17 demonstrations that infringe upon the rights of others to engage in and listen  
18 to expressive activity when the expressive activity has been scheduled  
19 pursuant to this policy or is located in a nonpublic forum. A constituent  
20 institution shall implement the following mandatory disciplinary sanctions for  
21 any student enrolled at the constituent institution who, while present on the  
22 property of the constituent institution during a protest or demonstration, is  
23 found to have engaged in activity in violation of (i) G.S. 14-127 or (ii)  
24 G.S. 14-132(a)(2):

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



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

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

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

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

- 19 ...  
20 (2) A description of the administrative handling and discipline relating to these  
21 disruptions or ~~barriers~~-barriers, including the enforcement of mandatory  
22 discipline policies under G.S. 116-300(7) and the readmittance of any students  
23 into a constituent institution who were subject to expulsion or suspension for  
24 at least one academic period as a result of the policy.

- 25 ...  
26 (3a) Increase in security costs and recommendations regarding security issues at  
27 constituent institutions related to disruptions at constituent institutions.

28 ...."

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

30 **"§ 116-174.2. Grounds for revocation of scholarships.**

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

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

46 (c) It shall be the duty of all persons or officials having charge of and authority over the  
47 granting of ~~state-supported~~-State-supported scholarships or any other form of financial assistance  
48 to immediately revoke and withdraw same in the event and upon the happening of any of the  
49 conditions or matters ~~above enumerated~~; set out in subsection (a) or (b) of this section; provided,  
50 however, that in subsequent academic terms any such student shall be eligible to be considered  
51 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.