

# Student Rights and Responsibilities

## Delegation of Authority

The Constitution of the State of North Carolina, Article IX, Section 8. states that “the General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and other public institutions of higher education.”

In a special session in 1971, the General Assembly reorganized the state’s system of higher education by placing all 16 of its Institutions under one Board of Governors as The University of North Carolina. All 32 members of the board are elected by the General Assembly. Legislation provides that the Board of Governors shall be responsible for the general determination, control, supervision, management and governance of all affairs of the constituent institutions. For these purposes, the board may adopt such policies and regulations as it deems wise.

Each of the 16 constituent institutions has a Board of Trustees that advises and answers to the Board of Governors. Each board includes eight members elected by the Board of Governors and four appointed by the governor of North Carolina, The presidents of the respective student governments are members ex officio, with full rights and privileges.

Pursuant to its statutory authority, the Board of Governors has adopted a document titled The Code of The University of North Carolina. The Code is composed of nine chapters that outline the policies for management of the University as a whole and for each of the constituent institutions.

Chapter V, Section 501.A of the Code states that The President of The University of North Carolina shall be the chief administrative and executive officer of the University. (See General Statutes 116-14 [a].) According to both Code and statute there is a Chancellor at each of the 16 constituent institutions. Chapter V, Section 502.A of the Code states that the administrative and executive head of each constituent institution shall be the Chancellor, who shall exercise complete executive authority therein, subject to the direction of the President. The Chancellor shall be responsible for carrying out policies of the Board of Governors and of the Board of Trustees. (See General Statutes 116-34[a].)

## Responsibilities of the Chancellor

Among the various responsibilities of the chancellor, the Code provides in Chapter V, Section 502.D (3) that: “Subject to any policies or regulations of the Board of Governors or of the Board of Trustees, it shall be the duty of the chancellor to exercise full authority the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor’s duty with respect to matters of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process. Appeals from these disciplinary decisions are allowable only on the following grounds

1. A violation of due process; or
2. A material deviation from Substantive and Procedural Standards adopted by the Board of Governors. Where the sanction is suspension or expulsion, an appeal may be made to the board of trustees. No appeal to the president is permitted. When the sanction is expulsion, the final campus decision is appealable to the Board of Governors.

## Rights of Students

Students who apply for admission to UNC Asheville and are subsequently admitted are not enrolled as a legal or constitutional right. Authority to determine academic admission standards is delegated to the boards of trustees and the chancellor. When a student is admitted to UNC Asheville, he or she accepts the rules, regulations and procedures that apply to the campus. Students attend UNC Asheville as a voluntary act and accept substantial benefits which the state of North Carolina provides. In taking such action, and accepting the benefits which accrue, students must accept the rules and regulations that have been developed pursuant to law.

Upon enrollment, a student receives no sanctuary from obedience to law. In addition to the federal, state and local laws that pertain to all citizens, a student must accept the institutional rules and regulations necessary to accomplish the purposes for which the institution was established. The student does not, however, lose constitutional or legal rights by an act of voluntary enrollment. The Code of the University of North Carolina specifically refers to the important right of a fair hearing and due process. Federal and state statutes and court cases have established certain student rights which are not to be infringed upon, except in situations which are themselves outlined in law and court procedures. Among these are:

1. No student may be denied access to university facilities or programs on the basis of race, color, creed, religion, sex, national origin, age or disability.
2. No student may be denied the protection of the First Amendment of the Constitution of the United States and Article I of the Constitution of the State of North Carolina, which refer to freedom of speech, freedom of religion, freedom of the press, and freedom to assemble peacefully.
3. No student may be denied the continuance of his or her education for disciplinary reasons without due process.

## Affirmation of Student Rights

Affirmation of Student Rights. (Excerpt from the Constitution of the Student Body of the UNC Asheville)

- Students shall have the right of free expression. This shall include but not be limited to the freedoms of speech, religion, press, peaceful assembly, petition and choice of personal appearance.

- Students shall have the right to pursue an education to the best of their abilities and shall not be withheld this right without legal justification and due process.
- Students shall have the right to inquire about all university policies and of their origin.
- Students shall have the right to form officially recognized organizations within the guidelines of the university. Students shall also retain the right to apply for admission to any student organization free from discrimination, given that they meet the organization's stated official qualifications.
- Students shall retain the right to read, rest and study free from undue interference. They shall have the right to their personal belongings and personal privacy.
- All rights shall not be construed to deny or infringe upon other rights retained by the students.
- In the case that any student's rights are violated, they shall retain the right to use all legal means available to redress the grievance in all matters.

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