



## NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

*Dr. R. Scott Ralls, President*

March 19, 2012

### IMPORTANT ADMINISTRATIVE CODE INFORMATION

#### MEMORANDUM

**TO:** Members of the State Board of Community Colleges  
Community College Presidents  
Boards of Trustees Chairs  
Community College Registrars  
Community College Admissions Officers  
Community College Student Development Administrators  
Community College Security Personnel  
NC Community College System Office Staff and Other Interested Parties

**FROM:** Q. Shanté Martin, *General Counsel*

**SUBJ:** **Proposed Amendment to Admission to Colleges – Safety Exception**

The State Board has initiated the Rule-making process to amend the following rule:

23 SBCCC 02C .0301, entitled “Admission to Colleges.”

The State Board of Community Colleges seeks to establish a policy that allows community colleges to deny admission to applicants who pose a safety risk to themselves or others at the time the applicant seeks admission. **The proposed amendment is published on the NC Community Colleges' website under "SBCC Code"**. For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Please post a copy of the proposed rule in prominent places so that all individuals affected by the proposed changes will be informed.

**Written comments for the Rule must be received no later than 5:00 p.m. on April 18, 2012.** Written comments should be directed to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to [publiccomments@nccommunitycolleges.edu](mailto:publiccomments@nccommunitycolleges.edu). Thank you for your attention to this matter.

**CC12-007**  
**E-mail Copy**

QSM/caa  
Attachments

## STATE BOARD OF COMMUNITY COLLEGES

*Notice is hereby given in that the State Board of Community Colleges intends to amend the rule cited as 23 SBCCC 02C .0301.*

**Proposed Effective Date:** *June 1, 2012*

**Reason for Proposed Action:** *The State Board of Community Colleges seeks to establish a policy that allows community colleges to deny admission to applicants who pose a safety risk to themselves or others at the time the applicant seeks admission.*

**Comments may be submitted to:** *Q. Shanté Martin, 200 W. Jones Street, MSC 5001, Raleigh, NC 27699-5001, phone (919)807-6961, fax (919)807-7171, email publiccomments@nccommunitycolleges.edu*

**Comment period ends:** *April 18, 2012*

## CHAPTER 02 - COMMUNITY COLLEGES

### SUBCHAPTER 02C - COLLEGES: ORGANIZATION AND OPERATIONS

#### SECTION .0300 - STUDENTS

#### **23 SBCCC 02C .0301 ADMISSION TO COLLEGES**

(a) Each college shall maintain an open-door admission policy to all applicants who are legal residents of the United States and who are either high school graduates or are at least 18 years of age. Student admission processing and placement determination shall be performed by the officials of each college. Admission requirements for an emancipated minor shall be the same as for an applicant 18 years old or older. Provisions with respect to admission of minors are set forth in Rule .0305 of this Section.

(b) For the purposes of this Section, "undocumented immigrant" means any immigrant who is not lawfully present in the United States. Community colleges shall admit undocumented immigrants under the following conditions:

- (1) Community colleges shall admit an undocumented immigrant only if he or she attended and graduated from a United States public high school, private high school, or home school that operates in compliance with State or local law;
- (2) When determining who is an undocumented immigrant, community colleges shall use federal immigration classifications;
- (3) Undocumented immigrants admitted under Subparagraph (b)(1) of this Rule must comply with all federal and state laws concerning financial aid;
- (4) An undocumented immigrant admitted under Subparagraph (b)(1) of this Rule shall not be considered a North Carolina resident for tuition purposes. All undocumented immigrants admitted under Subparagraph (b)(1) of this Rule must be charged out of state tuition whether or not they reside in North Carolina;

- (5) When considering whether to admit an undocumented immigrant into a specific program of study, community colleges shall take into account that federal law prohibits states from granting professional licenses to undocumented immigrants; and
- (6) Students lawfully present in the United States shall have priority over any undocumented immigrant in any class or program of study when capacity limitations exist.

(c) Boards of trustees may adopt policies regulating admission and graduation of students enrolled in courses mandated under G.S. 17C, North Carolina Criminal Justice Education and Training Standards Commission, or G.S. 17E, North Carolina Sheriffs' Education and Training Standards Commission. These policies may limit enrollment to law enforcement officers or persons sponsored by law enforcement agencies and may require a student to maintain sponsorship by a law enforcement agency until completion of the program. Policies adopted pursuant to this Paragraph shall be published and made available to students and prospective students.

(d) Any college suspending or expelling a student for non-academic disciplinary purposes shall record the suspension or expulsion in the student's educational record. Upon receipt of a written request signed by the student and subject to all applicable privacy laws, each college shall, in accordance with the student's request, inform other colleges and universities of the term and circumstances of the student's non-academic disciplinary suspension or expulsion, if any. Boards of trustees may adopt policies refusing admission to any applicant during any period of time that the student is suspended or expelled from any other educational entity.

(e) Boards of trustees may adopt policies refusing admission to any applicant if it is necessary to protect the ~~health~~ or safety of the applicant or other individuals. When making a ~~health~~ and safety determination, colleges may refuse admission to an applicant when there is an articulable, imminent, and significant threat to the applicant or other individuals. Colleges refusing admission on the basis of a ~~health~~ or safety threat shall document the following:

- (1) Detailed facts supporting the rationale for denying admission;
- (2) The time period within which the refusal to admit shall be applicable and the supporting rationale for the designated time period; and
- (3) The conditions upon which the applicant that is refused would be eligible to be admitted.

(f) Boards of trustees shall implement an appeals process for applicants denied admission pursuant to Subsection (e) of this Section.

*History Note: Authority G.S. 115D-1; 115D-5; 115D-20;  
SBCC Adoption January 21, 2011;  
Amended June 1, 2012.*