

Policy on Waivers from University Policies, Regulations, and Guidelines

I. Purpose. The Board of Governors adopts this policy to permit constituent institutions to petition for waiver from the requirements of University policies, regulations, and guidelines. Based upon a demonstration of sufficient institutional capacity and the establishment by the UNC System Office of appropriate compliance and monitoring measures, constituent institutions may seek waivers in whole or in part of policies, regulations, and guidelines within the UNC Policy Manual.

II. Submission of Constituent Institution Waiver Request. The chancellor of a constituent institution may, after consulting the board of trustees, submit to the president a request for waiver from the requirements of a University policy, regulation, or guideline. Requests may seek waiver from a policy, regulation, or guideline in its entirety, or may seek limited waiver from specific requirement(s) within the policy, regulation, or guideline.

The president shall specify the format for and content of waiver requests consistent with this policy. Each request shall include, at a minimum, the following:

- A. An explanation of the need for the desired waiver;
- B. An explanation of the constituent institution's ability to otherwise achieve the purpose served by the policy, regulation, or guideline requirement being waived;
- C. A proposed monitoring and reporting framework that can provide information to the president, the board of trustees, and the Board of Governors concerning the constituent institution's performance and effectiveness in relation to the subject matter and requirements of the waived requirement; and
- D. A declaration that the constituent institution's chancellor and board of trustees support the waiver request.

III. Evaluation by the President. The president shall receive and evaluate waiver requests submitted by constituent institutions. In evaluating requests, the president may choose to consult constituent institution and UNC System Office staff, request additional information to support the request, and recommend amendment of the requested waiver, including the institution's proposed monitoring framework.

The president may approve constituent institution requests for waiver from the requirements of University regulations and guidelines. The president shall refer requested waivers from University policy requirements to the Board committee of appropriate jurisdiction along with the president's recommendation concerning the disposition of the requested waiver. The president shall have an appropriate method for tracking requests, monitoring waivers, and informing constituent institutions of approved waivers.

IV. Board of Governors Review. Waiver requests referred to the Board by the president shall be considered by the standing committee with jurisdiction over the policy subject matter. Informed by the president's recommendation, the committee shall evaluate the waiver request and make a recommendation to the full Board for the request's acceptance or rejection. The full Board may then take action to accept or reject the waiver request in accordance with the Board's existing procedures for adoption or amendment of policies (Section 100.2.II.A., of the UNC Policy Manual).

V. Review of Requirements Subject to Multiple Waivers. Requests by constituent institutions for waiver from the requirements of University policies, regulations, or guidelines may indicate that existing requirements could be more effective or less burdensome in meeting their intended objective. In the event that multiple constituent institutions request waiver of the same policy, regulation, or guideline, the president shall evaluate the existing requirement(s) subject to multiple waiver requests and consider whether the requirement(s) should be amended or rescinded. If the president concludes that an existing policy should be amended or rescinded, the president shall formulate a proposal for improving the policy and refer the proposal to the Board committee with jurisdiction over the policy subject matter.

VI. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of its adoption by the Board of Governors.

B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.

C. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.