

## VI. STUDENT PETITION



All student petitions shall be filed by letter with the Associate Dean for Academic Affairs or her delegate. In emergency circumstances the student may petition by telephone. Petitions should contain the information set forth below.

### A. Readmission after Academic Dismissal

1. A readmission petition shall include the following:
  - a. An explanation of the reasons for the student's lack of success in law school;
  - b. What the student plans to do to remedy these problems; and
  - c. If the student is seeking a waiver of the waiting period (§3 below), an explanation of the hardship that would occur if the student were required to comply with the waiting period.
2. In passing on petitions for readmission, the Associate Dean for Academic Affairs shall consider the student's aptitude for the practice of law as reflected in the student's entire record. The Associate Dean shall not grant a petition for readmission unless the Dean finds that there is a high probability that the student will succeed on readmission.
3. Unless waived by the Associate Dean for Academic Affairs because of financial or personal hardship, petitions for readmission will not be granted until the student has complied with the following waiting periods: In the case of students dismissed at the end of the first year, the waiting period is two semesters. For other students, the waiting period is one semester.
4. A student who discontinues his/her legal education without approval of a petition for withdrawal shall be treated as being dismissed because of failure to meet academic requirements. Failure to seek permission for withdrawal shall be a negative factor in any petition for readmission.
5. Readmission shall be on such terms and conditions as may be set by the Associate Dean for Academic Affairs. Provided, however, that if a student is dismissed at

the end of the first year and the student's grade point average is less than 1.80 (or the student has 50% or more exam performances less than C), the student may not be readmitted to the second year class but must instead repeat the first year. For students whose grade point average is between 1.80 and 1.99, the Associate Dean has discretion to readmit the student to the second year or require the student to repeat the first year. Students who are readmitted shall be on academic probation until the end of the second semester following readmission. Any readmitted student who does not comply with the requirements of §V, Rule 1, at the end of the probationary period shall be dismissed from School.

6. Neither the Associate Dean for Academic Affairs nor the Admissions Committee will entertain a petition for readmission from any student who has been readmitted after an academic dismissal and then dismissed for a second time. For purposes of this rule dismissal or suspension as a result of a violation of the Rule of Academic Responsibility shall be considered to be for failure to meet academic requirements. A student twice dismissed for failure to meet academic requirements may petition the faculty for readmission. The faculty will consider the petition only if two thirds of the faculty members voting vote to hear the petition. If the faculty hears the petition, the student will be readmitted only if two thirds of the faculty members voting vote to grant the petition.
7. Appeals from decisions of the Associate Dean for Academic Affairs on readmission petitions may be taken to the Admissions Committee. The standard of review is whether the decision of the Associate Dean is clearly erroneous.

## **B. Academic Forgiveness**

A student readmitted as a first year student may petition the Associate Dean for Academic Affairs for academic forgiveness. Once academic forgiveness has been granted, the following apply to the student's academic record:

1. All curriculum requirements will be in accordance with those in force at the time of or subsequent to the student's readmission.
2. The student's grade point average is recalculated beginning with the semester in which the student was readmitted to the University.
3. Courses in which the student received a passing grade prior to readmission and the granting of academic forgiveness may, at the discretion of the Associate Dean for Academic Affairs, be used for academic credit, and in recalculating GPA.
4. The following statement shall appear on the academic record of any student granted academic forgiveness: "This student was granted academic forgiveness under the University of South Carolina School of Law Academic Forgiveness Program. No courses taken at the Law School prior to (date of readmission) in

which the student did not earn a passing grade are used to meet degree requirements or in the calculation of the GPA, but those courses in which the student received a passing grade may be used to meet degree requirements and in recalculating GPA.”

**C. Withdrawal from Law School**

1. A petition for withdrawal shall contain the following:
  - a. The reasons why the student wishes to withdraw. If the withdrawal is sought because of medical reasons, the student should be prepared to present documentation of the medical problem on request of the Associate Dean for Academic Affairs.
  - b. A statement of when the student would like to return to law school, if the student intends to do so.
2. Petitions for withdrawal shall be granted by the Associate Dean for Academic Affairs if the Dean finds that bona fide medical or personal circumstances have developed which make continuation of the student's education at this time difficult.
3. A student who discontinues his/her legal education without approval of a petition for withdrawal shall be treated as being dismissed because of failure to meet academic requirements. Failure to seek permission for withdrawal shall be a negative factor in any petition for readmission.
4. Appeals from decisions of the Associate Dean for Academic Affairs dealing with petitions for withdrawal may be taken to the Admissions Committee. The standard of review is whether the decision of the Associate Dean was clearly erroneous.

**Note on One Semester Leave of Absence: After the completion of the first year of Law School, any student in good academic standing may elect to take a leave of absence for no longer than one semester, provided that the Associate Dean for Academic Affairs is notified of this in writing. Such a student shall be automatically entitled to register for the semester immediately following the leave of absence. The election to take a semester's leave must be exercised and the Associate Dean notified prior to the day that is designated, for that semester, the official "last day to drop without penalty." Any student who registers and then withdraws pursuant to this rule shall be entitled to the return portion of tuition as may be permitted by the regulations of the University of South Carolina.**

**D. Readmission after Withdrawal**

1. A petition for readmission after withdrawal shall contain an explanation by the student of how the circumstances that lead to the student's withdrawal have changed
2. Petitions for readmission after withdrawal shall be granted if the Associate Dean for Academic Affairs finds that the circumstances leading to withdrawal have been alleviated so that the student's education can continue.
3. Appeals from decisions of the Associate Dean for Academic Affairs dealing with petitions for readmission after withdrawal may be taken to the Admissions Committee. The standard of review is whether the decision of the Associate Dean was clearly erroneous.

**E. Postponement of Examinations and Papers**

1. Petitions for postponement of examinations shall contain the following:
  - a. A list of the examinations that the student wishes to have postponed;
  - b. The reasons why the student is seeking postponement. If the postponement is sought because of medical reasons, the student should be prepared to present documentation of the medical problem on request.
  - c. The period of time for which the student is seeking postponement.
2. The Associate Dean for Academic Affairs may grant examination postponements for good cause, such as some physical or emotional problem that has made preparation for or taking of the examination extremely difficult. However, the Associate Dean will not grant permission for a student to take an exam prior to the start of the exam period. The fact that a student has several examinations in sequence does not justify examination postponement. No examination postponement will be granted for a student who has already missed an examination unless the student can demonstrate that it was physically impossible for the student to seek advance approval of an examination postponement.
3. Makeup examinations shall be scheduled on the day designated as a make-up day on the examination schedule or on another day by mutual agreement of the professor, the Associate Dean for Academic Affairs, and the student.
4. There is no appeal from a decision denying postponement of examinations.

**Note on Postponement of Papers: Postponement of the due dates of papers may be made by individual professors without the approval of the Associate Dean for Academic Affairs. Provided, however, the due date for any paper submitted to satisfy the Writing Requirement may not be postponed beyond the date for**

**completion of the Writing Requirement without the approval of the Associate Dean and the professor to whom the paper will be submitted. For May graduates the paper must be submitted in final form to the faculty member by January 15. For December graduates, the paper must be submitted by September 1.**

**F. Waiver of Graduation Requirements**

1. Petitions for waiver of graduation requirements shall state:
  - a. The requirement for which waiver is sought.
  - b. The reasons why the student failed to comply with the requirement
  - c. Why failure to grant the waiver would work a hardship on the student
2. The Associate Dean for Academic Affairs may grant a waiver of a graduation requirement if the Associate Dean finds that there is good cause for the waiver, that compliance with the requirement would work a hardship on the student, and that granting the waiver would not seriously undermine any academic policies of the Law School.
3. Appeals from decisions of the Associate Dean for Academic Affairs dealing with petitions for waiver of graduation requirements may be taken to the Curriculum Committee. The standard of review is whether the decision of the Associate Dean was clearly erroneous.

**G. Waiver of the 10% Attendance Requirement**

1. A student who has missed more than 10% but not more than 30% of the classes in a course, may petition the Associate Dean for Academic Affairs for a waiver of the attendance requirement. The petition shall contain a complete explanation of the reasons for all of the student's absences from class and shall be submitted prior to the examination or due date of a final paper. The form for the petition may be found on the Law Registrar's webpage.
2. In ruling on such petitions the Associate Dean for Academic Affairs shall balance the necessity of maintaining high academic standards and fairness to the student. The Associate Dean may consider the total number of absences, whether a substantial majority of the absences were the result of illness, personal or family problems, out-of-town job interviews, or out-of-town law school related activities, such as moot court, and whether the student has otherwise made a good faith effort to minimize the total number of absences.

3. If the Associate Dean for Academic Affairs denies a petition for waiver of the attendance requirement, or if the number of absences exceeds 30%, a student may petition the faculty. If two thirds of the faculty members voting vote to hear the petition, the faculty will consider the petition. If the faculty considers the petition, the Attendance Rule will be waived only if two thirds of the faculty members voting vote to grant the petition.

#### **H. Hardship Admission to Courses**

1. Hardship petitions shall be filed with the Registrar/Director of Academic Services. The petition shall contain a complete statement of why the student is seeking hardship admission to the course. Except in extremely unusual circumstances, hardship petitions will not be granted to allow a second year student to change sections of a second year preference course subject to block pre-registration. Moreover, a petition will normally be denied if the student has an opportunity to take the course in a subsequent semester or if the student did not avail himself or herself of a second year preference. Desire for a particular professor or time does not constitute hardship. Students seeking hardship admission to second year preference courses during their third year shall explain why they did not take the course during the second year. [Hardship Petition Form](#)
2. There is no appeal from the denial of a hardship petition by the Associate Dean for Academic Affairs.

#### **I. Approval of Course Credit**

1. Petitions for approval of overloads under §III.B of the Student Handbook and petitions for approval of credit for courses taken at other law schools (See §IV.D) or in other departments of the University under §IV.L of the Student Handbook shall contain a complete description of the student's plans and the relief sought.
2. Petitions for approval of course credit may be granted by the Associate Dean for Academic Affairs if the Dean finds that approval is consistent with the letter and spirit of academic policies established by the Faculty.
3. Appeals from decisions of the Associate Dean for Academic Affairs dealing with course credit may be taken to the Curriculum Committee. The standard of review is whether the decision of the Associate Dean was clearly erroneous.

#### **J. Other Petitions**

1. Other petitions shall be made in writing to the Associate Dean for Academic Affairs, who shall make a recommendation, and forward the petition to the appropriate faculty committee for action.
2. The Associate Dean's decision of the appropriate faculty committee cannot be appealed.

**K. Non-Academic Complaint Procedure**

1. Student Complaints relating to the School of Law's compliance with ABA Standards for Approval of Law Schools:

Any student or group of students who believe that there is a significant problem that calls into question the Law School's program of legal education and compliance and its compliance with the ABA Standards may file a formal complaint regarding that problem. The complaint may be filed with the Associate Dean for Academic Affairs or the Associate Dean for Student Affairs. The complaint must be filed in writing and must identify the behavior, action, or inaction complained of and the Standard(s) alleged to have been violated. ABA Standards may be found at [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html) .

Upon receipt of a written complaint, the Associate Dean receiving the complaint shall, within 30 business days, meet with the student or group of students making the complaint and, if necessary, conduct an investigation into the substance of the complaint. Upon completion of any investigation, the Associate Dean shall prepare a written report of findings. The report shall include a determination as to whether a significant problem exists that directly implicates the law school's program of legal education. If a significant problem is found to exist, the report also shall include a recommendation of action to be taken to resolve the complaint. The student or group of students filing the complaint shall be given a copy of the report. If the student or group of students are dissatisfied with the report and recommendation of the Associate Dean, the student may request a review of the report by the Dean of the School of Law or his designee. All written complaints and reports of findings shall be kept on file in the Dean's Office.

2. Non-Academic Student Complaints of individual Concern:

In addition to the formal complaint process for matters calling into question the Law School's compliance with ABA Standards, students may always raise matters of individual concern. Those matters may be more appropriately resolved in a less formal way than the process outlined above. A student with a question or complaint about law school operations, policy, or the conduct of a faculty member, a member of the law school staff, or another student should talk with one of the deans. The Associate Dean for Academic Affairs is responsible for the academic program, faculty, course scheduling, registration, and the Honor Code. The Associate Dean and Director of the Law Library is responsible for the operation of the law library. The Associate Dean for Student Affairs is

responsible for admissions, scholarships, career services, the pro bono program, and student affairs. The Assistant Dean for Academic Technology is responsible for law school technology issues. A student with a question or problem in a course in which he or she is enrolled typically should talk directly with the professor who teaches the course.

Policies for student petitions concerning the application of academic policies (academic dismissal, academic probation, academic forgiveness, withdrawal or readmission, postponement of examinations or papers, graduation requirements, attendance requirements, course registration, course credit, or other academic matters) are set out in the Student Handbook, Section VI, *Student Petitions*.