

VIII. STUDENT/FACULTY RELATIONS



A. Student-Faculty Compact

By maintaining an environment conducive to quality study and instruction, the students and faculty of the USC School of Law agree to foster an appreciation of an abiding interest in the law.

To that end, students agree to conduct themselves as mature and responsible professionals, prepare thoroughly for and participate in class, yearn for knowledge, engage in critical legal analysis, and accept the ethical and professional responsibilities inherent in the pursuit of a law degree.

Faculty, administrators, and staff agree to act fairly and professionally, respect the best efforts of students, fervently enjoy the art of legal education, conduct classes in an organized and thoughtful manner, demonstrate concern for student comprehension of the law, and strive to provide students with the opportunity to acquire the skills necessary to render ethical, professional, and effective legal service to the community.

B. Faculty Teaching Responsibility (from the University of South Carolina's Faculty Manual)

The teaching responsibilities of the instructional staff are among those many areas of University life which for generations have been a part of the unwritten code of scholars. Now, however, along with other formerly unwritten contracts, it seems appropriate to set forth these responsibilities in a formal state of policy. The provisions of such a policy statement are so reasonable to learned and humane individuals that it may appear redundant to state them. However, the University conceives them to be so important that the performance of the instructional staff in meeting the provisions of this code shall be taken into consideration in determining salary increases, tenure, and promotion.

Statement of Policy

1. Instructional staff members are responsible for stating clearly the instructional objectives of each course they teach at the beginning of each term. It is expected that each instructional staff member will direct his instruction toward the fulfillment of these objectives and that examinations will be consistent with these

objectives. Instructional staff members are responsible for orienting the content of the courses they are assigned to teach to the course descriptions approved by the Faculty Senate or Graduate Faculty as published in the University Bulletin.

2. Instructional staff members are responsible for informing students in their classes of the methods to be employed in determining the final course grade and of any special requirements of attendance which differ from the attendance policy of the University. At the request of the student, a faculty member should make available information and/or an evaluation of the student's progress prior to the free drop date.
3. It is expected that graded examinations and papers will be provided to the student for inspection and discussion. Thus, final examinations will be retained for one semester to provide the opportunity for review with the instructor, if the student so desires. It is expected that examinations will be graded within a sufficiently appropriate time to make the examination a part of the student's learning experience.
4. All instructional staff members are expected to meet their classes regularly and at scheduled times. In case of illness or any other emergency, the instructor will notify the dean or department chair so the appropriate action may be taken.
5. All instructional staff members whose responsibilities involve students are expected to schedule a reasonable number of office hours for student conferences. Office hours should be scheduled at times convenient to both students and instructors with the additional option of prearranged appointments for students where there is a schedule conflict. The number of office hours is to be determined at the appropriate administrative level, and office hours should be a matter of common knowledge.
6. Instructional staff members who are responsible for academic advising are expected to be in their offices at specified hours during registration and during the succeeding school year.

C. Classroom Computer Usage

1. Policy
 - a. Unless otherwise prohibited by a faculty member in accordance with this policy, students may use laptop computers in class for the purpose of taking notes and for such other purposes related to the course as are consistent with the educational function of the classroom. A professor may allow any use of computers in class that the professor deems to be appropriate.

- b. When computers or other electronic devices are used in the classroom, all sound should be turned off unless specifically permitted by the professor.
- c. Students using computers or other electronic devices in the classroom during class may not play games, read or transmit to others e-mail, instant messages or the equivalent, or work on matters unrelated to the class. It is expected that students will not use the Internet during class except as permitted by the professor in a manner consistent with the purposes of the class. A professor may impose sanctions upon a student who does not comply with this policy, including barring the offending student from further use of the computer or other electronic device in class or imposing an appropriate grade reduction.
- d. Individual faculty may impose additional limitations on or prohibit all use of computers or other electronic devices in the classroom if the faculty member believes that a particular use might threaten academic integrity (such as the use of computers during quizzes or exams) or if the faculty member determines that a particular use or type of device is distracting or inconsistent with the goals and objectives of the class experience.

D. Grading

- 1. Anonymous Examination Grading Policy.
 - a. Anonymous Examination Grading System (AEGS). The Law School provides an anonymous examination grading system. Under the AEGS students identify their examinations by placing only their AEGS number on their examinations. This system provides a mechanism for faculty members to grade examinations anonymously. Each semester the Office of the Law Registrar/Academic Services gives each student a new AEGS number, this includes the summer session. Use of the system is optional with the faculty. Faculty members who subscribe to the anonymous examination grading system may obtain the names of students only after they have turned in grades on the examination. They may then submit grades for the course that reflect class participation or other academic factors.
 - b. Student Responsibility: Students have the responsibility to ask their instructors for information about the basis of grading in the course, use of materials on the examination, and use of the AEGS in the course.

2. Grade Distribution Policy.

- a. The Law School's grade normalization policy for upper level courses is that the mean average grade in classes of more than 25 students should fall within .25 points of the class's mean average incoming GPA.
- b. The Law School's grade normalization policy for first-year courses with the exception of Legal Research, Analysis and Writing I and II and Introduction to the Legal Profession, is that the mean average grade in all classes shall fall within the range 2.700- 3.000.
 - (1) Legal Research, Analysis and Writing I & II. While seeking to maintain consistency between sections and overall compliance with the general grade normalization range for first year courses, the Director of Legal Writing may authorize deviations from the normal range in sections of LRAW on a section by section basis.
 - (2) The Dean shall enforce the grade normalization policy as the Dean deems appropriate
- c. The purpose of the grade distribution policy is to maintain relative parity in grading among the faculty, particularly among first year sections. Various systems of grade distribution or "curves" are used by a number of law schools.

The Faculty reserves the right to modify the Grade Distribution Policy and apply the modified Policy to students then enrolled in the Law School.

3. Submission and Posting of Grades.

It is the policy of the faculty of the University of South Carolina Law School that grades are due in the Office of the Registrar/Academic Services as follows:

Fall Grades: All grades are due the first day of spring classes.

Spring Grades: First year grades are due twenty-one (21) days after the last regularly scheduled 1L examination. Upper level grades are due the last Friday in May. Provided, however, the Dean has discretion to set a date for submission of grade information to determine the status of graduating seniors.

Summer Grades: For each summer school course grades must be reported thirty (30) days after either the regularly scheduled examination date for the course or the last day of class if there is no examination in the course. Grades for each course will normally be available on the University Computer system (SSC) the day after they are received in the Office of the Registrar/Academic Services.

4. **Grade Changes.** A grade in a course may be changed only on approval of the instructor teaching the course and the faculty of the Law School for computational error or other good cause. The refusal of the instructor to change a grade is not review-able except on petition to the faculty under the faculty bylaws. Special make-up work, extra work, or examination to change a grade already recorded is not permitted.
5. **Class Ranks.** Class ranks are computed twice yearly, and available for distribution on March 1 and August 1. Class ranks are calculated based on grades submitted when semester grades are due (see § VIII.D.3). Class ranks are not calculated after summer grades have been submitted. Summer grades are included when calculating Fall semester class ranks. Students can obtain their individual class ranks by making a written request to the Office of the Registrar/Academic Services on a form provided by that office.
6. **Criteria for Academic Honors.**

Dean's Medallion. This engraved medallion is presented each May to the graduate with the highest cumulative GPA.

President's Honor Roll. A student who earns a GPA of 4.000, having completed at least 12 graded law hours, will be named to the President's Honor Roll.

Dean's List. A student who earns a GPA of 3.500, having completed at least 12 graded law hours, will be named to the Dean's List.

Graduation Honors. Graduation honors are based upon a student's final GPA after all grades have been submitted. Summa Cum Laude (3.950-4.000); Magna Cum Laude (3.750-3.949); Cum Laude (3.500-3.749).

E. Student Evaluations of Faculty

Each semester students are asked to fill out an evaluation form for each of their professors. The result of these evaluations are used by the Dean in setting salaries, by the Tenured Faculty in making promotion and tenure decisions, and by professors in improving their teaching. In light of the importance of these evaluations, the students are expected to act responsibly and honestly in completing them.

Professors for whom a promotion, tenure, or retention decisions must be made will also be evaluated by a class visitation team, consisting usually of three members of the Tenured Faculty. This is a routine procedure of the faculty.

Professors may elect to have their evaluations placed on reserve in the Law Library.

F. Student Grievance Procedures

For the purpose of handling all student complaints and grievances of an academic nature, excluding grade changes (See §VIII.C.4, above), the following procedures are hereby established by the Faculty of the University of South Carolina School of Law:

1. Any student having a complaint of the above described nature, shall in the first instance, attempt to resolve this complaint by discussing it with the faculty member against whom the complaint lies.
2. If, by this means, the complaint is not resolved to the student's satisfaction, the student shall, within thirty days of the occurrence being complained of, present the complaint in writing to the Associate Dean for Academic Affairs. Such complaint shall include a description of the attempted resolution with the faculty member or members in question. The Associate Dean shall investigate the allegations made in the complaint, take whatever actions the Associate Dean deems appropriate, and notify the parties of that action.
3. If the actions taken by the Associate Dean for Academic Affairs do not resolve the complaint to the satisfaction of all parties, such dissatisfied party or parties shall, within 15 days of receipt of notification by the Associate Dean for Academic Affairs, file a written grievance with the Student/Faculty Grievance Committee.
 - a. The Student/Faculty Grievance Committee shall consist of two faculty members and one student, each of whom shall be selected in the manner prescribed by the faculty by-laws. The Chair shall be the faculty member on the committee with the greatest seniority at the Law School.
 - b. Grievances submitted to this Committee shall state in detail the nature of the complaint, the underlying factual allegations, and the relief being sought; attached shall be the student's letter of complaint to the Associate Dean for Academic Affairs and the latter's reply. Copies shall be served on all parties.
 - c. Upon receipt of a grievance, the Committee shall immediately call a hearing. The grievant shall be entitled to attend, to make an oral statement, to call witnesses, to introduce documentary evidence, to be represented by counsel or a friend, and/or to waive any or all of these rights. The opposite party shall have the same rights. The Committee shall also have the power, on its own motion, to call witnesses and receive evidence. The hearing shall otherwise be closed.

- d. At the close of the hearing, the Committee shall go into executive session to discuss the merits of the grievance and to prepare a written decision thereon; such decision shall contain a finding of facts, the Committee's reason for granting or denying the grievance, and an indication of the appropriate remedy. Copies of the decision shall be given to all parties and a copy, with all personal references omitted, shall be posted at an appropriate place in the Law School.
4. Decisions of the Committee shall be subject to approval, disapproval, or modification by the faculty by the Law School. Such review shall be limited to the record as developed below and the decision of the Committee shall not be disapproved or modified unless it is found to be clearly erroneous. The decision by the faculty shall be deemed final.
5. The time periods described herein shall be computed on the basis of "regular school days," which shall thus include days on which classes are scheduled and the final examination period. All times specified under the various provisions of this procedure shall not be extended and the failure to exercise any right provided for herein within the time specified shall be deemed a waiver of such right.
6. As used here, the term "Faculty Member" shall include Professors, Associate Professors, Assistant Professors, Clinical Professors, Emeriti Professors, Visiting Professors, and Adjunct Professors.

G. Student Participation in the Governance of the Law School Under the Faculty By-Laws

The Law School is governed by the faculty under a set of by-laws. Certain portions of these by-laws authorize participation by students in faculty committee work. The faculty by-laws are available for inspection in the Office of the Associate Dean for Academic Affairs.

H. Notification of Student Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to registrar, dean head of academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place when the records may be inspected. If the records are not maintained by the University official to whom the request was submitted,

that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records if the student believes them inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University of South Carolina will disclose information from a student's education records only with the written consent of the student, except:

- a. To school officials with legitimate educational interests;

A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agency); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- b. To officials of other institutions in which the student seeks or intends to enroll provided that the student has previously requested a release of his/her record;
- c. To authorized representatives of the U.S. Department of Education, the Comptroller General of the United States, state educational authorities,

organizations conducting studies for or on behalf of the University, and accrediting organizations;

- d. In connection with a student's application for, and receipt of, financial aid;
- e. To comply with a judicial order or lawfully issued subpoena;
- f. To parents of dependent students as defined by the Internal Revenue Code, Section 152;
- g. To appropriate parties in a health or safety emergency; or
- h. To the alleged victim of any crime of violence of the results of any disciplinary proceedings conducted by the University.
- i. The University may disclose the result of a disciplinary proceeding to a parent or guardian so long as the student is under the age of 21 at the time of the incident and the proceeding has resulted in a violation of University drug or alcohol policies, or any federal, state, or local law.
- j. To students currently registered in a particular class, the names and email addresses of others on the roster may be disclosed in order to participate in class discussion.

The University of South Carolina has designated the following items as Directory Information: a student's name, electronic mail address, local and permanent mailing addresses and telephone numbers, semesters of attendance, enrollment status (full- or part-time), date of admission, date of graduation, school, major and minor fields of study, whether or not currently enrolled, classification (freshman, etc.), type of degree being pursued, degrees, honors, and awards received (including scholarships and fellowships), weight and height of members of athletic teams, and whether the student has participated in officially recognized activities and sports sponsored by the University.

The University may disclose any of these items without prior written consent, unless the student has submitted a written request to the office of the University Registrar not to release directory information pertaining to them. Requests will be processed within 24 hours after receipt. Telephone directories are published during the summer; students eligible to enroll for the upcoming fall term are included in the directory unless the Office of the University Registrar is notified by May 31. The electronic directory is updated each weekend; requests for non-disclosure will be honored with the next update after the request is processed by the staff of the Office of the University Registrar.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University of South Carolina to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

Questions concerning this law and the University's procedures concerning the release of academic information may be directed to the Office of the University Registrar at 777-5555.

I. University of South Carolina Policy Statement Certification of English Language Proficiency for Teaching.

1. Policy.

The University has established procedures, described below, to certify that all classroom activities are conducted by individuals with spoken and written proficiency in the English language at a suitable level. Classroom activities include: lectures, discussion groups, and student laboratories. The individuals who carry out classroom activities that must be certified include: full-time and part-time faculty members, teaching assistants, student laboratory directors, and class facilitators.

2. Procedure.

- a. The dean of each academic unit will take such steps as are necessary and consistent with other policies concerning University personnel, to ensure that all classroom activities are conducted by individuals with a suitable level of spoken and written English language proficiency.
- b. The dean of each academic unit will ensure that part of the interview process for all prospective employees whose duties would include classroom activities will include a demonstration of English proficiency. The audience for this demonstration shall include faculty members and students. The dean of each academic unit shall include a letter of certification of adequate spoken and written English proficiency as part of the A-2 request-to-make-an-offer documentation.
- c. All graduate students who are being considered for employment as teaching assistants must:

- (1) Complete eighteen graduate credit hours in their field
- (2) Have successfully completed pedagogical training that is satisfactory to the Dean of the Graduate School.

In addition, all international graduate students who are prospective employees with classroom activities must successfully pass a battery of tests known as the English Program of Internationals (EPI) examination at a level that is satisfactory to the Dean of the Graduate School.

- d. As an initial certification, the dean of each academic unit will complete a form (copies supplied by the office of the Provost) that certifies that all reporting employees with classroom responsibilities have spoken and written proficiency in the English language at a suitable level. The deans will send the completed form to the Provost. In departmentalized colleges, the dean may require department chairs to complete a certification form
- e. Student complaints concerning the level of spoken and/or written English language proficiency of an individual with classroom responsibilities shall be investigated by the dean of each unit. Student complaints will normally be resolved using the existing student grievance procedure in each college and for the University. The dean of each academic unit will record each occurrence of a student complaint of this nature and the disposition of the complaint. Each year the dean of each unit shall report the incidence of complaints and the disposition of the complaints to the Office of the Provost.
- f. The Office of the Provost will collect and compile the certifications of English proficiency and occurrences of student complaints, and submit a report to the Legislature and other state agencies as required by law