

# ACADEMIC REGULATIONS

## Honor Code and Disciplinary Procedures

### Definitions

1. **ACADEMIC PROGRAM**- “Academic Program” means any graduate or undergraduate course, independent study or research for academic credit, internship, externship, clinical program, practicum, field placement, or other form of study or work offered in furtherance of the academic mission of the Joseph F. Rice School of Law. Academic Program includes Extracurricular Activities.
2. **ACADEMIC WORK**- “Academic work” includes any work performed or assigned to be performed in connection with any Academic Program.
3. **ADVISOR**- “Advisor” means a person chosen by a Student to represent the Student in, and to present arguments and evidence on the Student’s behalf to, the Hearing Panel.
4. **CHAIR OF THE HEARING PANEL**- “Chair of the Hearing Panel” means a faculty member appointed by the Dean to serve the role of carrying out the duties specified in Section C, Subsection 7.2 of these Procedures.
5. **CHAIR OF THE HONOR COUNCIL**- “Chair of the Honor Council” means the student-elected leader of the Honor Council.
6. **CODE**- “Code” means the University of South Carolina Joseph F. Rice School of Law Honor Code.
7. **DAY**- “Day” means the period of time as computed under Rule 6(a), South Carolina Rules of Civil Procedure.
8. **DEAN**- “Dean” means the Associate Dean of Academic Affairs or other designee of the Dean of the Joseph F. Rice School of Law.
9. **EXTRACURRICULAR ACTIVITY**- “Extracurricular Activity” means any Student-performed activity associated with the Joseph F. Rice School of Law or the University of South Carolina that is outside the scope of the normal school curriculum. Extracurricular Activity includes, but is not limited to, participation on Moot Court and Mock Trial teams, law journals, and other student organizations.
10. **FORMER STUDENT**- “Former Student” means any person who has accepted admission to the Joseph F. Rice School of Law and has graduated, transferred to another institution or field of study, withdrawn, or otherwise no longer attends the Joseph F. Rice School of Law.
11. **HEARING PANEL**- “Hearing Panel” means a five-member panel designated to determine whether a Student has violated the Code and, if so, to determine what sanction(s) should be imposed for such violation(s). The Hearing Panel is comprised of three full-time faculty members appointed by the Chair of the Hearing Panel, which may include the Chair of the Hearing Panel, and two Honor Council members selected by the Chair of the Honor Council.
12. **HONOR COUNCIL**- “Honor Council” means the student organization of that name.
13. **INVESTIGATOR**- “Investigator” means a person appointed by the Dean pursuant to Section C, Subsection 4.1 for purposes of carrying out the duties in Section C, Subsections 4.4, 4.5, and 7.1. The Investigator is a neutral party—representing neither the Joseph F. Rice School of Law nor the accused Student—whose functions are to obtain and transmit relevant information to the Dean and/or Hearing Panel and to present cases to the Hearing Panel. The Investigator must have been employed in an instructional capacity at an undergraduate or graduate institution for at least three (3) years, and cannot be an

Instructor in the Academic Program in which the Code violation was alleged to have occurred.

14. **INSTRUCTOR**- “Instructor” means a person designated by the Joseph F. Rice School of Law to teach, lead, or otherwise counsel students in an Academic Program, including persons who lead or facilitate Extracurricular Activities.
15. **Joseph F. Rice School of Law**- “Joseph F. Rice School of Law” means the University of South Carolina Joseph F. Rice School of Law.
16. **STUDENT**- “Student” means any person who has accepted admission to the Joseph F. Rice School of Law, including Former Students.
17. **TOLLING PERIOD**- “Tolling Period” means the period of time that starts one calendar month before the first Reading Day of the Fall or Spring semester and ends on the last day of final examinations for that semester.
18. **UNIVERSITY COMMITTEE**- “University committee” means the University Committee on Academic Responsibility with the responsibility for conducting appeals of Hearing Panel decisions pursuant to Section D, Subsection 10.
19. **UNIVERSITY**- “University” means the University of South Carolina.

## Honor Code

### Preamble

The preparation of Students for service in the legal profession requires not only academic rigor, but also adherence to the high standards of personal character and integrity expected of attorneys. As with the standards of the legal profession, the foundation of this Code is self-regulation. Whenever a Student is uncertain as to whether conduct would violate this Code or an Instructor’s rules, it is the Student’s responsibility to seek clarification from the Instructor in the affected Academic Program prior to engaging in such conduct.

### SECTION 1. GENERAL APPLICABILITY.

The following Rules govern the conduct of all Students at the Joseph F. Rice School of Law. Former Students of the Joseph F. Rice School of Law remain subject to this Code for violations committed while a Student. An applicant for admission to the Joseph F. Rice School of Law who later becomes a Student is subject to this Code with respect to any statements or representations made in connection with the application process.

### SECTION 2. RULES

The scope of the Code is laid out in the following subsections. Student conduct that does not violate one of the following subsections does not constitute a violation of the Code, even if it may violate other rules (e.g., an Instructor’s classroom rules or rules governing Extracurricular Activities). Nothing in the Code should be read to limit Instructors or others from imposing appropriate sanctions for violations of their rules regardless of whether these violations also constitute a violation of the Code.

#### 2.1 A Student shall not lie.

A Student shall not lie. For purposes of the Code, “lying” means knowingly communicating, in any form, information known to be false or willfully omitting a material fact necessary to avoid a misrepresentation of the truth. A Student’s knowledge of a statement’s falsity may be inferred from relevant circumstances.

This prohibition applies to communications made in connection with Academic Programs and University and Joseph F. Rice School of Law proceedings, including but not limited to Honor Code investigations and hearings. This includes knowingly misrepresenting academic

performance (e.g., grade point average) to employers, prospective employers, or other academic institutions.

### **2.2 A Student shall not cheat.**

A Student shall not cheat. For purposes of the Code, “cheating” means knowingly gaining or attempting to gain, or giving or attempting to give, what a reasonable law student would believe is an unfair or prohibited advantage. This may include, but is not limited to, using unauthorized materials; disregarding rules of anonymity; or giving or receiving any unauthorized assistance in the completion of any academic coursework, paper, or examination, whether graded or otherwise.

This prohibitions applies to Student conduct related to Academic Programs and University and Joseph F. Rice School of Law proceedings.

### **2.3 A Student shall not plagiarize.**

A Student shall not plagiarize. For the purposes of the Code, “plagiarism” means knowingly and falsely representing words or thoughts as one’s original work. This may include, but is not limited to, replicating, paraphrasing, or otherwise presenting material from another source without crediting the source.

This prohibitions applies to Student conduct related to Academic Programs and University and Joseph F. Rice School of Law proceedings.

### **2.4 A Student shall not commit any criminal act.**

A Student shall not commit any criminal act. For the purposes of the Code, a “criminal act” means conduct that both

Violates any local, state, or federal law in effect at the time and place of the conduct in question, and

Reflects adversely on a Student’s honesty, trustworthiness, or fitness for admission to the practice of law, consistent with the Model Rules of Professional Conduct § 8.4.

A conviction or plea of guilty in a criminal matter is conclusive proof that a Student committed the act that is the subject of that conviction or plea. The absence of a criminal conviction does not preclude a finding that a criminal act occurred for purposes of the Code.

## **SECTION 3. DUTIES.**

- **3.1 Duty to Report.** A Student who reasonably believes that another Student or former Student may have violated this Code shall promptly report that information either to the Instructor in the affected Academic Program or to the Dean.
- **3.2 Duty to Self-report.** A Student who reasonably believes that they may have violated this Code shall promptly report that information either to the Instructor in the affected Academic Program or to the Dean.
- **3.3 Duty to Cooperate.** Any Student who is a witness to, or the subject of, an alleged Honor Code violation shall cooperate fully and truthfully during any investigation or hearing, including responding to communications in a timely manner and testifying when called upon to do so. The failure to cooperate or testify fully when called upon to do so may give rise to adverse inferences as to whether the Student violated the Code. Additionally, any failure to cooperate or testify fully and truthfully when called upon to do so that amounts to a willful omission of material fact necessary to avoid a misrepresentation of the truth may constitute a violation of Subsection 2.1 of the Code.

## **Disciplinary Procedures**

### **SECTION 1. GENERAL APPLICABILITY.**

- **1.1 Revision.** The following procedures govern enforcement of the Code. Revisions to the Code or to these procedures may be adopted

upon approval by a majority of both the faculty and the Honor Council, and become effective only after the proposed revisions have been posted for Student comment either in the Joseph F. Rice School of Law building or on an internet vehicle for a minimum of fourteen (14) Days.

- **1.2 Procedures Held in Abeyance.** To minimize the impact of investigations and disciplinary proceedings on student learning, no disciplinary procedures involving notice to, or participation by, an accused Student or any other Student shall take place during the Tolling Period, defined as the period of time that starts one calendar month before the first Reading Day of the Fall or Spring semester and ends on the last day of final examinations for that semester. Students who have been notified of an allegation against them (pursuant to Subsection 4.3) prior to the Tolling Period may waive the abeyance requirement upon written notice to the Dean or Investigator.

## **SECTION 2. REPORT OF ALLEGED VIOLATION.**

- **2.1 Report by Instructor.** Any Instructor who becomes aware of information that, if true, would indicate that a Student or former Student in any of the Instructor’s Academic Programs has violated the Code shall promptly report that information in writing to the Dean. Any Instructor who reasonably believes that a Student or former Student has violated the Code in relation to an Academic Program other than one involving the Instructor shall promptly inform the Instructor in the affected Academic Program or the Dean.
- **2.2 Report by Persons Other than Instructor.** Another person other than an Instructor who reasonably believes that a Student or former Student has violated the Code shall promptly report that information either to the Instructor in the affected Academic Program or the Dean.

## **SECTION 3. DEAN'S INITIAL DETERMINATION OF PLAUSIBLE VIOLATION**

Upon receipt of a report of an alleged violation, the Dean shall assess the preliminary information and determine whether the alleged conduct, if true, could plausibly constitute a violation of the Code. In making this determination, the Dean may consult with the Chair of the Honor Council.

- **3.1 Initial Determination of Non-violation.** In the event that the Dean determines that the conduct described in the preliminary information, if true, would not constitute a violation of the Code, no further action is necessary.
- **3.2 Initial Determination of Plausible Violation.** In the event that the Dean determines that the conduct described in the preliminary information, if true, could plausibly constitute a violation of the Code, the Dean shall refer the matter for investigation and appoint an Investigator consistent with Subsection 4.2.

## **SECTION 4. INVESTIGATING OF ALLEGED VIOLATION**

**4.1 Appointment of Investigator.** The Dean shall appoint as Investigator a permanent member of the faculty at the University of South Carolina Joseph F. Rice School of Law who has been employed in an instructional capacity at an undergraduate or graduate institution for at least three (3) years. The Investigator cannot be an Instructor in the Academic Program in which the alleged violation of the Code occurred.

**4.2 Role of Investigator.** The Investigator is a neutral party—representing neither the Joseph F. Rice School of Law nor the accused Student—whose functions are to obtain and transmit relevant information to the Dean and/or a Hearing Panel and to present cases to the Hearing Panel.

**4.3 Initial Notice to Accused Student.** Upon the appointment of an Investigator, the Dean shall promptly notify the accused Student of the allegations which led to the initial determination of plausible violation by letter, addressed to the Student and delivered personally to the Student or

by first-class mail to the accused Student's permanent address on record at the Joseph F. Rice School of Law.

The initial notice must inform the Student of the following:

- The initiation and conduct of an investigation into a possible Honor Code violation;
- The general nature of the alleged violation;
- The name of the Investigator; and
- That, at the conclusion of the investigation, the matter, and any other matters discovered during the course of the investigation will either be closed or pursued in accordance with these procedures.

**4.4 Conduct of Investigation.** The Investigator may interview any person, including the accused Student, and review any documents or other information that the Investigator believes may assist in determining facts relevant to the alleged violation or potential violations discovered during the course of the investigation.

**4.5 Submission of Investigator's Report.** The Investigator shall submit a written report to the Dean within fourteen (14) Days of appointment, unless the Dean has granted a reasonable extension of time. The Investigator's report must summarize the factual findings of the investigation and identify with specificity any facts that, if true, could plausibly constitute a violation of the Code.

## SECTION 5. ADMITTED VIOLATIONS

**5.1 Admission of Violation.** An accused Student may, at any time, admit to violating the Code by providing to the Dean or the Investigator a written statement admitting to the alleged violation. The matter will then proceed as provided in this Section.

**5.2 Disposition of Certain Admitted Violations.** The Dean may, at their discretion, impose a sanction in cases involving a single violation of the Code that:

- Has been admitted by the Student;
- Is not related to any graded assignment;
- Involves no one other than the Student; and
- Had no effect on individuals other than the Student.

If the Dean elects to impose a sanction in such cases, that sanction shall be an oral reprimand of the Student, with a record of the reprimand to be maintained in the Office of Student Conduct and Academic Integrity and the Law Registrar's Office. If the Dean elects not to impose that sanction, the matter shall be referred to a Hearing Panel for determination of an appropriate sanction after a Sanctions Hearing as provided in Subsection 8.4(c).

**5.3 Disposition of Other Admitted Violations.** The Dean shall refer all admitted violations not subject to Subsection 5.2 to a Sanction Hearing to be handled as provided in Subsection 8.4(b).

## SECTION 6. CONTESTED ALLEGATIONS

**6.1 Contested Allegations.** Any alleged violation not admitted is considered to be contested.

**6.2 Dean's Review of the Investigator's Report.** Upon receipt of the Investigator's report, the Dean shall determine, based on the report, whether there is a reasonable possibility that a violation of the Code can be proven by clear and convincing evidence. In making this determination, the Dean may consult with the Chair of the Honor Council.

- In the event that the Dean determines that the information in the report, if true, would not constitute a violation of the Code, the Dean shall close the matter. The Dean shall notify the accused Student in writing and notify, either in person or in writing, the person who initially reported the allegation and the Instructor in the affected Academic Program that the matter has been closed with a finding that no violation occurred.
- In the event that the Dean determines that there is no reasonable possibility that a violation of the Code can be proven by clear and convincing evidence, the Dean shall close the matter. The Dean shall notify the accused Student in writing and notify, either in person or in writing, the person who initially reported the allegation and the Instructor in the affected Academic Program that the matter has been closed with a finding that no violation can be proven.
- In the event that the Dean determines that there is a reasonable possibility that a violation of the Code can be proven by clear and convincing evidence, the Dean shall refer the matter to the Chair of the Hearing Panel for a Violation Hearing, as provided in Subsection 8.4(a), and, if necessary, a Sanctions Hearing, as provided in Subsection 8.4(b). The Dean also shall notify the Investigator of the referral.

## SECTION 7. DUTIES AND PROCEDURES PRIOR TO HEARING

Upon the Dean's referral of a matter to the Chair of the Hearing Panel pursuant to Subsection 6.2(c), the following duties and procedures apply.

### 7.1 Duties of the Investigator.

No more than fourteen (14) Days after the Dean refers the matter to the Chair of the Hearing Panel, the Investigator shall provide to the Chair:

- A copy of the Investigator's report;
- A list of witnesses whom the Investigator is likely to call to testify at the hearing; and
- Copies of any documents that the Investigator is likely to produce at the hearing.
- The Investigator shall request information regarding any prior violation of the Code by the accused Student or any history of academic discipline for dishonesty as disclosed in the accused Student's application for admission to the Joseph F. Rice School of Law. The Investigator shall not reveal such information to the Hearing Panel until a Sanctions Hearing under Subsection 8.4(b).

### 7.2 Duties of the Chair of the Hearing Panel.

- The Chair of the Hearing Panel shall provide for the composition of the Hearing Panel as follows:
  - The Chair of the Hearing Panel shall select three full-time faculty members to sit on the Hearing Panel. The Chair of the Hearing Panel may serve as one of the faculty members on the Hearing Panel.
  - The Chair of the Hearing Panel shall notify the Chair of the Honor Council to select two Honor Council members to sit on the Hearing Panel.
- The Chair of the Hearing Panel shall set a date for a hearing to be held not more than forty-five (45) Days after receiving the referral from the Dean, but not less than fourteen (14) Days after the Chair provides notice of the hearing to the accused Student pursuant to Subsection 7.2(c). The Dean may approve an extension of the hearing date for just cause, upon written request of the Chair of the Hearing Panel. In extenuating circumstances, the Chair and the accused Student may agree to waive the 14-Day requirement.
- Upon setting the hearing date, the Chair of the Hearing Panel shall cause to be delivered to the accused Student, either personally or

by first-class mail to the accused Student's permanent address on record with the Joseph F. Rice School of Law, the following information:

- A copy of that section of the Student Handbook entitled, Honor Code and Disciplinary Procedures;
- A copy of the Investigator's report to the Dean;
- The list of possible witnesses provided by the Investigator to the Chair of the Hearing Panel;
- Copies of any documents provided by the Investigator to the Chair of the Hearing Panel;
- A list of the names of the members of the Hearing Panel;
- Notice of the time and place of the hearing;
- Notice of the accused Student's rights set out in Subsection 7.3; and
- Specific notice that the hearing is the accused Student's opportunity to defend against the allegations brought and that one or more sanctions specified in Subsection 9 may result from a finding that the accused Student violated a provision or provisions of the Code.

### 7.3 Rights of the Accused Student.

- The accused Student has the right to request recusal of any panel member(s) whom the accused Student believes to be unable to serve with impartiality. To exercise this right, the accused Student must request recusal by notifying the Chair of the Hearing Panel in writing no more than three (3) Days after the date the Chair of the Hearing Panel notified the accused Student of the membership of the hearing panel, pursuant to Subsection 7.2(c). The accused Student must show good cause why the member(s) should be removed from service on the Hearing Panel.
- The accused Student has the right to be accompanied by an Advisor. To exercise this right, the accused Student must notify the Chair of the Hearing Panel in writing of the accused Student's intention to have an Advisor present at the hearing no less than three (3) Days before the scheduled hearing date. Should the accused Student fail to provide notice as required, the Chair of the Hearing Panel, at their discretion, may delay the hearing or refuse to allow the person selected by the accused Student as an Advisor to participate in the hearing.
- The accused Student has the right to a hearing that is open to the public. To exercise this right, the accused Student must notify the Chair of the Hearing Panel in writing of the Student's desire for an open hearing. The Chair of the Hearing Panel must receive such notice no less than three (3) Days before the scheduled hearing date.
- The accused Student (or the Advisor) has the right to call and question witnesses. To exercise this right, the accused Student must provide the Chair with a written list of intended witnesses no less than three (3) Days before the scheduled hearing date. Pursuant to Subsection 8.2, the Chair of the Hearing Panel may deny the request to call any witness for whom timely notice was not properly given.
- The accused Student (or the Advisor) has the right to introduce documentary and other non-testimonial evidence. To exercise this right, the accused Student must provide the Chair of the Hearing Panel with copies of all documents intended to be introduced no less than three (3) Days before the scheduled hearing date. Pursuant to Subsection 8.2, the Chair of the Hearing Panel may deny the request to introduce documentary and other non-testimonial evidence for which timely production was not properly made.

## SECTION 8. HEARING PROCEDURES

**8.1 Attendance at Hearing.** All hearings shall be confidential and closed to persons other than members of the Hearing Panel, the Investigator, the Instructor of the affected Academic Program, the witnesses during the presentation of their testimony, the accused Student, and the Advisor, unless an open hearing was properly requested by the accused Student, pursuant to Subsection 7.3(c). The Instructor in the affected Academic Program may attend the hearing in its entirety but may not participate unless called as a witness or questioned by the members of the Hearing Panel.

Nothing in this Section shall be construed to diminish the Chair's authority to take any necessary measures to maintain order and decorum during a hearing, including the removal of any persons acting in a disruptive manner.

In the event that the accused Student does not appear at the appointed time and place for the hearing, the Hearing Panel may elect to hear the matter in absentia.

**8.2 Chair Authorized to Prevent Prejudice.** The Chair may delay the hearing or exclude from the hearing any witnesses or documents not identified prior to the hearing as required by Subsections 7.1 or 7.3 if the Chair determines that the lack of prior notice would unfairly prejudice either the accused Student or the Investigator.

**8.3 Admissible Evidence for All Hearings.** The members of the Hearing Panel may hear any oral testimony or review documentary or other non-testimonial evidence that is relevant and material, including evidence that would be considered hearsay evidence under the South Carolina Rules of Evidence or the Federal Rules of Evidence. Oral testimony of all witnesses shall be under oath or upon affirmation. The Chair of the Hearing Panel may exclude evidence that is cumulative or repetitious.

**8.4 Conduct of Hearings.** The Hearings shall be conducted as set forth in paragraphs (a), (b), and (c) of this subsection. An audio recording or other record of the hearings must be made and retained in the Office of the Dean. All documents admitted into evidence shall likewise be preserved.

- *Violation Hearing.*
  - Prior to the hearing, the Chair of the Hearing Panel shall provide each member of the Hearing Panel with a copy of the Investigator's report and any prefiled materials provided by the Investigator, pursuant to Subsection 7.1(a), or by the accused Student, pursuant to Subsections 7.3(d) and (e).
  - The Chair of the Hearing Panel shall allow a reasonable period of time for the members of the Hearing Panel to familiarize themselves with the prefiled materials prior to the opening of the hearing.
  - The Chair of the Hearing Panel shall formally call the hearing to order and issue a reminder that the proceedings are confidential, unless the accused Student has properly exercised the right to an open hearing under Subsection 7.3(c), and recorded.
  - All persons present shall identify themselves for the record.
  - The Investigator shall make an opening statement.
  - The accused Student or the Advisor may make an opening statement. An accused Student's decision to waive an opening statement shall not give rise to adverse inferences.
  - The Investigator may call and question witnesses, introduce the documentary and non-testimony evidence prefiled under Subsections 7.1(a) and 7.3(e), and offer or summarize the statements obtained during the investigation. After the

Investigator questions a witness or refers to any evidence, the accused Student (or the Advisor) may question the witness or provide a response to the evidence. Members of the Hearing Panel may, at any time, question witnesses, the Instructor(s) in the affected Academic Program(s), the Investigator, the accused Student, or the Advisor.

- The accused Student (or the Advisor) may call and question witnesses, refer to the documentary and non-testimony evidence prefiled under Subsections 7.1(a) and 7.3(e). After the accused Student or Advisor questions a witness or refers to any evidence, the Investigator may question the witness or provide a response to the evidence. Members of the Hearing Panel may, at any time, question witnesses, the Instructor(s) in the affected Academic Program(s), the Investigator, the accused Student, or the Advisor. An accused Student's decision not to call witnesses or present evidence shall not give rise to adverse inferences.
- The members of the Hearing Panel may inquire into topics and information not presented by the Investigator or accused Student.
- After all evidence has been presented, the Investigator shall make a closing statement.
- The accused Student (or the Advisor) may make a closing statement. The decision to waive a closing statement shall not give rise to adverse inferences.
- At the Chair's discretion, the Investigator may make a rebuttal statement.
- The members of the Hearing Panel shall deliberate in private to determine whether the testimony and materials provided, taken as a whole, establish by clear and convincing evidence that the accused Student violated the Code. The Hearing Panel may conclude that the Student's conduct before or during the investigation and hearing proceedings violated the Code, even if the relevant facts were not specifically identified in the Investigator's report. Determination by the Instructor(s) of the affected Academic Program(s) that the accused Student did, or did not, violate the Code is not binding on the Hearing Panel.

If a majority of the Hearing Panel determines that a violation has not been proven by clear and convincing evidence, the Chair shall reconvene the hearing, announce the determination, dismiss the allegation(s), and close the proceedings. The Chair or designee shall prepare a written memorandum containing findings of fact and dismissing the allegation(s). The Chair shall promptly send a copy of that memorandum to the Investigator, the Instructor(s) in the affected Academic Program(s), and the Dean. The Chair shall simultaneously provide the Student with a copy of the memorandum, either through personal delivery or by first-class mail to be delivered to the accused Student's permanent address on record at the Joseph F. Rice School of Law. By written request, the Student may elect to receive an electronic copy of the memorandum. The Dean shall provide a copy of the memorandum to the Law Registrar to be maintained in the Student's permanent record.

If a majority of the Hearing Panel determines that a violation has been proven by clear and convincing evidence, the Chair shall reconvene the hearing for a sanctions proceeding, pursuant to Subsection 8.4(b).

- *Sanctions Hearing after Violation Hearing.*
  - Upon reconvening the proceedings, the Chair shall announce the provision(s) of the Code that the Hearing Panel found, by clear

and convincing evidence, the accused Student to have violated. The Chair shall also announce that the Hearing Panel will hear aggravating evidence and mitigating evidence for the purposes of determining the appropriate sanction(s).

- *Aggravating Evidence.* "Aggravating evidence" means any facts or circumstances that increase the culpability of the conduct that either a Hearing Panel has determined violated the Code or to which the Student has admitted. Aggravating evidence may include, but is not limited to:
  - The extent of the Student's premeditation;
  - The extent to which the Student's acts negatively impacted other individuals;
  - The extent to which the Student's acts presented a legitimate threat to the reputation or integrity of another student, individual, group, Academic Program, the Joseph F. Rice School of Law, or any other institution, including a Student's employer;
  - The number and frequency of the Student's acts found to have violated the Code;
  - The Student's conduct during the investigation, violation hearing, and sanctions hearing, including lack of candor that would not constitute an independent Code violation; and
  - The Student's history of academic discipline, whether at the Joseph F. Rice School of Law or another institution.
- *Mitigating Evidence.* "Mitigating evidence" means extenuating facts or circumstances that, while not disproving a Student's violation of the Code, would reduce the Student's culpability for the acts that either a Hearing Panel has determined violated the Code or to which the Student has admitted. Mitigating evidence may include, but is not limited to:
  - The extent of the Student's candor and cooperation during the investigation, violation hearing (if any), and sanctions hearing;
  - The extent to which the Student has taken responsibility for the violation, including by self-reporting or admitting any violation;
  - The extent to which the Student has taken steps to remedy or address the underlying issues that may have contributed to any violation; and
  - Evidence that the Student's ability to think rationally at the time of the violation(s) was reasonably impaired by serious personal circumstances. "Serious personal circumstances" do not include circumstances that apply to or may be experienced by a student in the normal course of law school, such as the inherent stress of Academic Programs or employment.

A Student's ignorance of the Code, of an Instructor's rules relating to authorized and unauthorized materials and assistance, or of citation conventions of which a reasonable student would have been aware is not mitigating evidence.

- The Investigator may call and question witnesses, refer to the documentary and non-testimony evidence provided under Subsections 7.1(a) and 7.3(e), and provide statements or documents obtained during the investigation in aggravation or mitigation of the violation. After the Investigator questions a witness or refers to any evidence, the Student (or the Advisor) may question the witness or provide a response to the evidence. Members of the Hearing Panel may, at any time, question witnesses, the Investigator, the Student, or the Advisor.

- The Student (or the Advisor) may call and question witnesses, refer to the documentary and non-testimony evidence provided under Subsections 7.1(a) and 7.3(e), and provide other evidence in aggravation or mitigation of the violation. After the Student questions a witness or refers to any evidence, the Investigator may question the witness or provide a response to the evidence. Members of the Hearing Panel may, at any time, question witnesses, the Investigator, the Student, or the Advisor. A Student's decision not to call witnesses or present evidence shall not give rise to adverse inferences.
- Members of the Hearing Panel may inquire into topics and information not presented by the Investigator or Student.
- After all evidence has been presented, the Investigator may make a closing statement.
- The Student (or the Advisor) may make a closing statement. The decision not to make a closing statement shall not give rise to adverse inferences.
- At the Chair of the Hearing Panel's discretion, the Investigator may make a rebuttal statement.
- The members of the Hearing Panel shall deliberate in private to determine the appropriate sanction(s) pursuant to Subsection 9. The sanction(s) to be imposed shall be determined by a majority of the Hearing Panel.
- The Chair of the Hearing Panel shall reconvene the hearing, announce the sanction(s), and close the proceedings. The Chair of the Hearing Panel, or designee, shall then prepare a written memorandum containing findings of fact, conclusions that such findings establish by clear and convincing evidence that the Student's conduct constituted a violation or violations of the Code, and identifying the sanction(s) to be imposed. The Chair of the Hearing Panel shall promptly send a copy of that memorandum to the Investigator, the Instructor, the Dean, the Law Registrar's Office, and the University Office of Student Conduct and Academic Integrity. The Chair of the Hearing Panel shall simultaneously provide the Student with a copy of the memorandum, either through personal delivery or by first-class mail to the Student's permanent address on record at the Joseph F. Rice School of Law. By written request, the Student may receive an electronic copy of the memorandum.
- *Sanctions Hearing for Admitted Violation.*
  - Upon receipt of a referral from the Dean of an admitted violation of the Code, pursuant to Subsections 5.2 or 5.3, the Chair of the Hearing Panel will appoint a Hearing Panel for the conduct of a Sanctions Hearing. The Chair of the Hearing Panel will notify the Student of the Sanctions Hearing not less than ten (10) Days prior to such hearing.
  - The Sanctions Hearing will be conducted consistent with the provisions of Subsection 8.4(b).
- Exclusion from Extracurricular Activities for a period of at least one full semester, with a record of exclusion to be maintained by the Law Registrar's Office and the Office of Student Affairs;
- A letter of reprimand from the Chair of the Hearing Panel to be recorded in the University Office of Student Conduct and Academic Integrity and the Law Registrar's Office;
- A reprimand to be administered orally to the Student by the Chair of the Hearing Panel in the presence of the Hearing Panel, with a record of the reprimand to be maintained in the University Office of Student Conduct and Academic Integrity and the Law Registrar's Office;
- Any combination of the above sanctions.

**9.2 Sanction Guidelines.** The sanctions in Subsection 9.1 shall presumptively be imposed on the following bases:

- A Student who is found to have lied in connection with a Code investigation or hearing shall presumptively be sanctioned either by revocation of acceptance, permanent expulsion, or revocation of degree under Subsection 9.1(a) or suspension under Subsection 9.1(b) for a period of not less than one year;
- A Student who is found to have committed a Code violation related to any graded coursework that constitutes a substantial portion of the grade in the affected Academic Program shall presumptively be sanctioned either by permanent expulsion or revocation of degree under Subsection 9.1(a) or suspension under Subsection 9.1(b) for a period of not less than one year;
- A Student who admits to having committed a Code violation unrelated to graded coursework, that involves no one other than the Student, and that has no effect on individuals other than the Student shall presumptively be sanctioned by an oral reprimand under Subsection 9.1(e).

For conduct not specified in these Guidelines, the Hearing Panel should determine the severity of the violation and the appropriate sanction(s) with reference to the conduct specified in these Guidelines that most closely resembles the violation at issue.

A Hearing Panel may deviate from these Guidelines. In the event that it does so, the Hearing Panel must explain the deviation in the written memorandum prepared under Subsection 8.4(b)(9).

## **SECTION 10. APPEALS.**

**10.1 Grounds for Appeal of Dismissal.** Upon a dismissal of an allegation by the Hearing Panel, the Presenting Party may appeal the decision to the University Committee of Academic Responsibility ("University Committee") only on the ground that the Hearing Panel erred in its conclusion that the facts as set forth by the Hearing Panel in its written findings did not constitute a violation of the Code.

**10.2 Grounds for Appeal of Finding of Violation.** Upon the finding of a violation by the Hearing Panel, the accused Student may appeal the decision to the University Committee on any or all of the following grounds:

- that specific procedural rules were not followed, resulting in prejudice to the accused Student;
- that the facts as set forth by the Hearing Panel in its written findings of fact do not establish a violation of the Code;
- that there is no evidence in the record to support a finding of fact by the Hearing Panel;
- that there is specific evidence of improper bias on the part of any member of the Hearing Panel;

## **SECTION 9. SANCTIONS.**

**9.1 Sanction Options.** The following sanctions, listed in descending order of severity, may be imposed upon a Student found to have violated the Code:

- Rescission of acceptance to the Joseph F. Rice School of Law, permanent expulsion from the Joseph F. Rice School of Law, or revocation of degree awarded by the Joseph F. Rice School of Law;
- Definite suspension from the Joseph F. Rice School of Law for a period of at least one complete semester;

- that there is specific new evidence, which could not reasonably have been discovered prior to the hearing and which likely would have changed the outcome of the hearing.

**10.3 Appeal of Sanction.** Either the Presenting Party or the accused Student or both may appeal the sanction imposed by the Hearing Panel on the ground that the sanction is unjust or inappropriate.

**10.4 Notice of Appeal.** A party appealing the decision rendered or sanction imposed by the Hearing Panel must notify the Chair of the University Committee in writing not later than ten (10) business days after the written findings of fact and conclusions are sent to the party appealing. The Notice of Appeal should set forth the specific ground or grounds of the appeal. Copies of any Notice of Appeal shall be sent to the Presenting Party or the accused Student (whichever did not file the notice of appeal), the Dean, the University Office of Student Development, the Joseph F. Rice School of Law Registrar's Office, and the Instructor in the affected Academic Program.

**10.5 Access to Record.** Upon receiving a Notice of Appeal, the Chair of the University Committee promptly shall request from the Chair of the Hearing Panel a copy of the record of hearing, as prepared pursuant to Section 4.11. Upon receiving the record, the Chair of the University Committee shall notify the Presenting Party and the accused Student of its availability. Both parties shall have ten (10) business days after notice of the record's availability is sent in which to submit to the Chair of the University Committee any further written argument or information from the record to substantiate or refute the appeal.

**10.6 Consideration of Appeal.** After receiving the Record of Hearing and any written materials provided under Section 6.5, the University Committee shall meet to consider the matter. The University Committee may decide the matter on the written record or may allow the accused Student and the Presenting Party to appear before the University Committee upon reasonable notice. The University Committee promptly shall issue a written opinion either

- affirming the decision of the Hearing Panel;
- remanding the matter to the Hearing Panel with a clear statement of specific reasons for requiring further consideration of the merits, the sanction, or both;
- reversing or modifying the decision of the Hearing Panel as to the merits, the sanction, or both. (The University Committee also may, for example, affirm a matter in part, such as by affirming a finding of a violation, and remand in part, such as for reconsideration of sanction.)

The Chair of the University Committee shall send copies of the written opinion to the Instructor of the affected Academic Program, the Dean, and the University Office of Student Development. The Dean shall notify the Chair of the Hearing Panel and, if the matter is remanded, shall instruct the Chair to reconvene the Hearing Panel for any further proceedings that may be required.

#### **SECTION 11. PUBLIC NOTIFICATION OF DISPOSITION.**

The Dean shall compile the Hearing Panel reports, as required by Section 4.11, not less than annually. The Chair of the Honor Council shall publish these reports to Students and faculty within the Joseph F. Rice School of Law by public posting, distribution, or other appropriate means. The report shall not contain any information that would identify the parties or witnesses to the proceedings.

#### **SECTION 12. EFFECTIVE DATE.**

These Procedures as amended on May 4, 2010, take effect on August 19, 2010, and apply to all matters reported on or after August 19, 2010. The amended procedures also apply to any matters pending on that date unless, in the opinion of the Dean, the former procedures should apply in a particular case in the interest of fairness or because it would not be feasible to apply the amended procedures to the matter already pending.

#### **D. PROVISIONS ON ARREST REPORTING**

With the adoption of the Joseph F. Rice School of Law Honor Code in August 2010 and the South Carolina Supreme Court's new requirement that the Joseph F. Rice School of Law certify a graduate's fitness for admission to practice, a law student who is arrested for, charged with, or convicted of (including entry of a plea other than not guilty) any offense other than a minor traffic violation for which a fine of \$100 or less was imposed must report that information to the Joseph F. Rice School of Law within 72 hours of the incident. This process replaces the prior obligation to report an arrest to the University's Office of Student Judicial Programs, although the Joseph F. Rice School of Law will notify OSJP when a law student is arrested, as required by University policy.

Relevant provisions from the Honor Code are as follows:

#### **PREAMBLE**

The preparation of Students for service in the legal profession requires not only academic rigor, but also adherence to the high standards of personal character and integrity expected of attorneys.

#### **SECTION 1. GENERAL APPLICABILITY.**

The following rules govern the conduct of all Students at the Joseph F. Rice School of Law. Former Students of the Joseph F. Rice School of Law remain subject to this Code for violations committed while a Student.

#### **SECTION 2. PROHIBITIONS.**

**2.3 A Student shall not commit any criminal act.** For purposes of this rule, a criminal act is one that reflects adversely on a Student's honesty, trustworthiness, or fitness for admission to the practice of law. This rule will be interpreted in accordance with the Model Rules of Professional Conduct § 8.4 (2008).

Any criminal act that reflects adversely on the Student's honesty, trustworthiness, or fitness for admission to the practice of law and which occurs during the time that a Student is subject to this Code is a violation of this rule, regardless of where the conduct occurs. A conviction or plea of guilty in a criminal matter is conclusive proof that the Student committed the act that is the subject of that conviction or plea. The absence of a criminal conviction does not preclude a finding that a criminal act occurred for purposes of this rule.

In addition, as of August 2010, the Office of Bar Admissions of the Supreme Court of South Carolina adopted a requirement, already existing in many other jurisdictions, that applicants for admission to the Bar must obtain a character and fitness certificate from their law school. Questions relating to discipline include the following:

- From the records in your office, including the applicant's law school application, and from your personal knowledge, [indicate if the applicant has ever been]:
- accused of a violation of the honor code or student conduct code, placed on academic or disciplinary probation, suspended, expelled, requested to withdraw, or otherwise subjected to discipline for academic or personal conduct reasons by any educational institution?

- a party to legal or administrative proceedings?
- charged with, arrested for, or convicted of any traffic or criminal offense?
- accused of a violation of trust?

If you are arrested for, charged with, or convicted of an offense, you must report that fact to the Office of the Law Registrar within 72 hours. You will be asked to complete a short form giving relevant information including the date, location, nature of the charge, jurisdiction, a summary of the circumstances leading to the event reported, and the anticipated timetable for disposition, if known. If the matter has not been finally resolved at the time of your initial report, you will also have a continuing obligation to notify the Law School when the matter is resolved.

### Class Attendance

Students are expected to prepare all assigned work and attend all classes. A professor may substantially reduce a student's grade in the course due to absenteeism. A student who is absent from a class for more than ten percent of the recitation periods may not take the examination or obtain a grade other than F unless the attendance requirement is waived by the Associate Dean for Academic Affairs. A violation of the Attendance Policy means you must petition for an attendance waiver.

Students must keep track of their own attendance. Failure to accurately record and report all absences may be considered a violation of the honor code. Although faculty may excuse absences for class purposes, faculty may not excuse absences for purposes of determining whether a student has violated the Attendance Rule.

The Associate Dean for Academic Affairs can waive the Attendance Rule if a student has not missed more than 30 percent of the classes in a course. In exercising this discretion to waive the rule, the Associate Dean will consider the total number of absences and whether a substantial majority of these absences are for reasons set forth in §VI.G.2.

- A student violates the Attendance Policy by missing 4 classes in a 6-credit-hour course that meets two times a week
- A student violates the Attendance Policy by missing 6 classes in a 4-credit-hour course that meets four times a week
- A student violates the Attendance Policy by missing 5 classes in a 3-credit-hour course that meets four times a week
- A student violates the Attendance Policy by missing 5 classes in a 3-credit-hour course that meets three times a week
- A student violates the Attendance Policy by missing 2 classes in a 3-credit-hour course that meets one time a week
- A student violates the Attendance Policy by missing 4 classes in a 5-credit-hour course that meets twice a week
- A student violates the Attendance Policy by missing 4 classes in a 3-credit-hour course that meets twice a week
- A student violates the Attendance Policy by missing 4 classes in a 2-credit-hour course that meets twice a week
- A student violates the Attendance Policy by missing 2 classes in a 2-credit-hour course that meets once a week
- A student violates the Attendance Policy by missing 1 class in a 2-credit-hour course that meets once every other week

## Waiver of the 10% Attendance Requirement

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 list of all absences and a complete explanation of the reasons for all 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.

In reviewing the student's petition, the Associate Dean will balance the necessity for the maintenance of high academic standards with 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.

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 Academic Responsibility Committee. The Committee's decision is non-reviewable.

## Outside Employment While Enrolled as a "Full Time Student"

Because of the rigorous nature of the Law School curriculum and the requirements of law school accrediting agencies, law students are required to be "full-time" students. Students should not be employed during the first year of law school.

Excessive employment during the second and third year is inadvisable; if undertaken, upper-class students should not exceed fifteen hours of outside employment per week and must not exceed twenty hours per week. Employment will not be considered a mitigating factor in the event of academic difficulties.

## Add/Drop/Withdrawal Date

Courses may be added or dropped without penalty up to the end of the drop/add period designated in the Law School calendar. Following this date, students may withdraw from a course without penalty up to the end of the withdrawal period designated in the USC Master Schedule of Classes. A grade of "W" will be recorded on a student's transcript, but the grade will not affect a student's grade point average. Students withdrawing after the "withdraw without penalty" date will receive a grade of "WF". A "WF" is treated as an "F" in computing a student's grade point average. Note: No student will be permitted to drop or withdraw from courses that would result in the student taking less than 12 hours without written approval of the Associate Dean for Academic Affairs.

## Grading

### 1. Anonymous Examination Grading Policy

Anonymous Examination Grading System (AEGS). Course instructors may elect to use the Law School's anonymous examination grading system. Under the AEGS system, students identify their examinations by placing only their AEGS number on their examinations. Each semester the Office of the Law Registrar/Academic Services gives each student a new AEGS number. Course instructors who use the AEGS system obtain the names of students only after they have submitted examination grades.

Course instructors retain discretion to adjust grades to reflect class participation or other academic factors

- a. **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.

### 1. 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 other than Legal Research and Legal Writing I and II is that the mean average grade in all classes shall fall within the range 2.700- 3.000.
  - i. **Legal 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 Legal Writing on a section-by-section basis.
  - ii. **Legal Research.** Legal Research will be graded on a Pass/Fail basis. Earned credit does not affect the allotment of six pass/fail hours.
  - iii. 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.

### 2. Submission and Posting of Grades

It is the policy of the faculty of the University of South Carolina Law School that all 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 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 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.

### 1. 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 reviewable 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.

### 2. 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. 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.

### 3. Criteria for Academic Honors

- **Dean's Medallion.** This engraved medallion is presented each May to the graduate with the highest cumulative GPA.
- **President's List.** A student who earns a GPA of 4.000, having completed at least 12 graded law hours, will be named to the President's List.
- **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).

### 4. Standards for Computing Grade Averages

Individual semester grade averages and cumulative overall grade averages, as used in these, shall be computed on the following basis:

for each course, multiply the numerical value of the grade received by the credit hours of that course;  
total these figures (semesterly and cumulatively);  
divide this figure by the total number of credit hours taken (semesterly and cumulatively).

The numerical value of grades is as follows:

A = 4.000 = Highest Honors  
B+ = 3.500 = Honors  
B = 3.000 = Superior  
C+ = 2.500 = Good  
C = 2.000 = Competent  
D+ = 1.500 = Marginal  
D = 1.000 = Poor  
F = 0.000 = Failure  
WF = 0.000 = Withdraw with Failure

Courses in which the recorded grade is a No Report (NR), Withdrawal (W), or Pass (S) shall not be included in the computation of grade averages. WF is assigned for students withdrawing from a course after the penalty deadline prescribed in the USC Master Schedule of Classes. The grade of WF is treated as an F in the grade point average computation.

Except with respect to transfer students, only the grades received in courses taken at the University of South Carolina Joseph F. Rice School of Law shall be included in the computation of grade averages for the purpose of these rules. Courses taken for Law School credit in other departments or schools of the University of South Carolina shall be recorded on a pass/fail basis by the Law School, with a grade of below C being recorded as a Failure. See also pass/fail rules on courses taken at other Law Schools.

Except as provided under the Academic Forgiveness Program, when a course is repeated both grades shall be included in the computation of the cumulative overall grade average, and each grade shall be included in the appropriate semester grade average.

## Pass/Fail Grading

### 1. Maximum Number of Credit Hours.

A student may receive a maximum of six hours of credit on a pass/fail basis for course or non-course work in the Law School. Students may receive pass/fail credit for approved course work done outside the Law School at either other ABA accredited law schools or departments at USC other than the Law School.

If a student receives pass/fail credit for courses taken outside the Law School, the number of Law School credits that may be taken pass/fail is reduced, but a student shall be allowed to take at least four hours of Law School work on a pass/fail basis. Additional hours taken pass/fail will not count toward meeting graduation requirements unless the student obtains written approval from the Associate Dean for Academic Affairs.

Combination- and dual-degree students are limited to four hours of pass/fail credit within the Law School.

### 2. Standard for Earning an S in a Course Taken on a Pass/Fail Basis

For all course work taken on a pass/fail basis, whether in the Law School or outside the Law School, a student must do C quality work to earn an S. A grade below C is recorded as an U.

### 3. Law School Courses in Which Law Students May Earn Pass/Fail Credit

The only upper-level Law School courses in which candidates for the Juris Doctor degree may earn pass/fail credits are those courses offered exclusively on a pass/fail basis.

Students may take Supervised Legal Research on a pass/fail basis with the approval of the instructor prior to the University withdraw/fail period. Instructor approval must be noted on the Supervised Legal Research form or submitted in writing to the Law Registrar's Office.

### 4. Other Law School Credit Awarded on a Pass/Fail Basis

Credit for serving on the editorial board of the Journal of Law and Education; the South Carolina Law Review, the Real Property Probate and Trust Journal, the Southeastern Environmental Law Journal and the South Carolina International Law and Business Journal is awarded on a pass/fail basis. In addition, credit for supervised extracurricular competition, such as moot court, is awarded on a pass/fail basis.

### 5. Non-Law School Courses

Credits earned by J.D. candidates for coursework done in other departments of the University of South Carolina or at other ABA-approved law schools are recorded on a pass/fail basis.

## Auditing

Law Students may audit courses subject to enrollment limitations and professor's approval. Students who wish to audit a course are given the lowest priority in enrollment. Law students may audit non-law courses provided that University audit procedures are satisfied. If a course is audited, it may not be subsequently taken for credit.

## Transfer Students

After receiving an acceptance letter from the Office of Admissions, students are required to meet with the Registrar/Director of Academic Services to review the transfer of hours, grade point average, graduation requirements, and the registration process. The following policies regarding transfer students is discussed during the meeting:

1. The grades earned at the student's previous school in courses accepted for transfer credit will be included in calculating the transfer student's cumulative grade point average.
2. No more than 30 earned hours may be applied toward the 90 hours required for graduation.
3. During the first year a transfer student is enrolled at the Law School, the student will not be awarded a class rank. Upon the completion of two full semesters at the Law School, a transfer student will be awarded a class rank based on all law school grades earned at both the Law School and the student's previous school.
4. In accordance with § IV.D.3, transfer students must satisfy requirements concerning the minimum number of hours in residence needed for the J.D. degree by successfully completing at least 60 credit hours in the Law School. The 60 required hours shall not include coursework in a Supervised Legal Research course or co-curricular activities such as law review, journals, moot court, mock trials or any other trial competitions.

## Completion of Course Work at Another ABA/AALS Approved Law School

With approval of the Associate Dean for Academic Affairs, students may complete course work at another ABA/AALS approved law school (for example, by attending such school for the student's sixth semester) and transferring the credit for such work towards the granting of a J.D. degree from the USC Joseph F. Rice School of Law. Petitions for such credit are granted only where:

1. there is good cause;
2. the proposed coursework is substantially equivalent to course work at this Law School; and
3. the student will satisfy requirements concerning the minimum number of hours in residence needed for the J.D. degree by successfully completing at least 60 credit hours in law courses at the University of South Carolina Joseph F. Rice School of Law. The 60 required hours shall not include coursework in independent research and co-curricular activities such as law review, journals, moot court, mock trials or any other trial competitions.

Students must take courses at another law school on a graded basis if the course is offered on that basis. Grades in these courses will be recorded on a student's USC transcript on a Pass/Fail basis. Only grades of C or better will be recorded as a Pass. Grades of C or better will be recorded on the student's transcript as a S and any grade below a C will be recorded as an F. "Incomplete" (or its equivalent) will be recorded as an F if the work is not completed within three months of the end of classes for the session involved. Courses taken at another law school affect the number of credit hours a student may earn on a Pass/Fail basis at the Law School.

The law school shall not grant a student more than four (4) credit hours of distance education courses in any term, nor more than a total of 12

credit hours, toward the Juris Doctor degree for courses qualifying as distance education.

Students are required to complete the request to visit forms available in the Office of the Registrar/Academic Services and have the Associate Dean for Academic Affairs sign the forms. Students are also required to have an official transcript sent from the visiting school to the Office of the Registrar/Academic Services by the required date that students must discuss and confirm with the Registrar/Director of Academic Services.

## Combination and Dual Degree Programs

The Law School offers the following combination degree programs:

- Accelerated Master of Business Administration
- International Master of Business Administration
- Master of Accountancy
- Master of Arts in Economics
- Master of Criminology and Criminal Justice
- Master of Earth and Environment Resource Management (MEERM)
- Master of Health Administration
- Master of Human Resources
- Master of Mass Communication
- Master of Public Administration
- Master of Social Work

The Law School offers the following dual-degree program:

- Master of Environmental Law and Policy (with the Vermont Law School)

### Combination Degrees with other Departments at the University of South Carolina.

1. Students admitted to a combination-degree program must complete the law school's dual degree application available in the Office of the Registrar/Academic Services, room 128.
2. Once officially recognized as a combination degree, students may apply 9 graduate credit hours from the other program towards the student's J.D. degree. Similarly, students may apply 6 to 12 hours (depending upon the program) of Law School credit toward the other graduate degree. The hours transfer as pass/fail credits.
3. Even if admitted to more than one combination degree program, a student may not apply more than a total of 9 graduate credit hours toward the J.D. degree.
4. The courses which are transferred into Law School must have been begun subsequent to being admitted to Law School. In other words, courses completed prior to being admitted to Law School will not count toward a combination degree.
5. Unless a waiver is obtained, all course work for the non-law program must be completed simultaneously with, or prior to, Law School graduation.
6. If a course is offered both in Law School and in the graduate program, e.g., Administrative Law, the graduate school version may not be transferred in for Law School credit. In other words, these courses must be taken in the Law School. Students should obtain permission from the Associate Dean for Academic Affairs before taking the same titled course in both the Law School and Graduate school.
7. Other than mentioned above, any graduate level course in the combined program may be transferred for the 9 Law School credit hours.

8. Combination degree students must also comply with the 12 hour residency requirement when applying the 9 hours of graduate work (see §III.F).
9. Tuition and fee payment for combination degree programs vary based on an established memo of understanding between the law school and the graduate program.
10. Students enrolling in a combination degree program must meet with the Registrar/Director of Academic Services to obtain additional information on graduation requirements and tuition/fee payment. For more specific information, please contact the Law Registrar/Director of Academic Services.

### Dual Degree in Studies in Environmental Law with the Vermont Law School.

The Law School and Vermont Law School offer a dual-degree program through which South Carolina Law Students can earn two degrees in three or three and a half years: a J.D. from the University of South Carolina, and an M.E.L.P. from Vermont Law School. In addition to courses at the Law School, dual-degree candidates take courses taught in Vermont's Summer Session and courses offered by distance learning during the regular academic year, or a combination of summer session and distance-learning courses and approved internships.

#### Earning the M.E.L.P. and J.D. Degrees

To participate in the J.D./M.E.L.P. dual-degree program, students must obtain permission from the Associate Dean for Academic Affairs. Approved students then apply to Vermont Law School for the M.E.L.P. Degree early in the spring semester of their first year of law school. If accepted, dual-degree students typically attend a ten-week summer session at Vermont Law School during the summer between their first and second years of law school. In the second and third years of law school, dual-degree students complete additional environmental law courses via distance learning from Vermont Law School. Students may also combine distance-learning courses with an approved internship at an organization involved with environmental work. Dual-degree students share the remaining credits required for their J.D. degree with the M.E.L.P. degree, thus reducing the overall M.E.L.P. requirements.

#### The Dual-Degree Requirements (<https://www.vermontlaw.edu/academics/academic-catalogs/master-of-environmental-law-and-policy-degree-requirements/>)

1. Financial Arrangements  
Dual-degree students pay tuition for their J.D. degree to the University of South Carolina, which includes the nine credits shared with the M.E.L.P. degree. Dual degree students pay Vermont Law School for M.E.L.P. credits on a per-credit basis at the prevailing tuition rate.
2. Note that students in the Juris Doctor – Master of Environmental Law and Policy dual degree program can also pursue the Juris Doctor – Master of Earth and Environmental Resource Management with the School of the Environment at the University of South Carolina. A student can earn all three degrees in four years.

### University Courses Outside the Law School

First-year students are not permitted to take courses outside the Law School under any circumstances. With prior permission of the Associate Dean for Academic Affairs, second- and third-year students may take, for Law School credit, up to two courses or six hours of credit in another department of the University. Only graduate (500 level and up) courses that are related to the student's legal education are acceptable. Grades in

these courses shall be recorded on a pass/fail basis; any grade below C shall be recorded as a U. These courses affect the maximum number of pass/fail hours that can be counted toward the J.D. (see §IV.H). Students must also satisfy the residency requirement by successfully completing at least 60 credit hours in law courses at the Law School. The 60 required hours shall not include coursework in a Supervised Legal Research course and co-curricular activities such as journals, moot court, mock trials, or any other trial competitions.

Second- and third-year students may also enroll in courses in other departments of the University that are not taken for Law School credit without restrictions on the type of course. Note that a student may not enroll in more than 16 credit hours without approval from the Associate Dean for Academic Affairs (See § III.B).

A form for taking courses outside the Law School is available in the Office of the Law Registrar/Academic Services. This form must be filled out and submitted to the Associate Dean for Academic Affairs for approval.

## Approval of Course Credit

1. Petitions for approval of hours overload and approval of credit for courses taken at other law schools or in other departments of the University 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.

## Summer School

### Eligibility; Graduation during the summer

The Law School offers a Maymester and one seven-week summer session. No student may enroll for summer school who is not eligible to return in the following fall semester.

Students are expected to graduate in May or December in their third year. In extraordinary circumstances, the Law School may permit a student to graduate in August. Any student intending to complete the requirements for graduation by attending summer school should contact the Office of the Registrar/Academic Services prior to registering for summer school.

### Accelerated Graduation by Attending Two Summer Sessions

Normally, students will obtain residence credit for the fall and spring semesters of each of their three years of law school and graduate in May of their third year. Students may elect, however, to accelerate their graduation by one semester (graduating in December of their third year rather than May) by attending two summer sessions. These two summer sessions taken together will qualify for one semester of residency if the following requirements are met:

The student must matriculate in two summer sessions and satisfactorily complete not less than 12 hours in the two sessions, with a minimum of six hours being required in each summer session.

Although credit hours earned during Maymester can be included in determining the minimum six credit hours per summer session

requirement, to receive residency credit, a student must complete at least one course during both regular seven-week summer sessions.

## Co-curricular Activities

No credit is allowed for any co-curricular activity except as follows:

### Journals

Students participating as active team members in extracurricular competitions (for example, moot court, trial competition, client counseling competition, negotiation competition, etc.) may receive two or three credits on a pass/fail basis as follows:

- To be eligible to receive three credits, an editorial board member must have worked at least 127.5 hours for the journal, excluding time spent researching and writing a note for the journal and time spent participating in a write-on competition.
- To be eligible to receive two credits, an editorial board member must have worked at least 85 hours for the journal, excluding time spent researching and writing a note for the journal and time spent participating in a write-on competition.
- No credit may be given without the approval of a faculty advisor or the Associate Dean for Academic Affairs.
- In awarding credit, the faculty advisor or the Associate Dean may rely on a certification from the Editor in Chief that a Board member has substantially fulfilled the duties of his/her position and worked the required number of hours. NOTE: not all editorial board positions receive academic credit.
- To obtain credit for being on the editorial board, a student must complete a form available in the Office of the Registrar/Academic Services.

### Supervised Extracurricular Competition

Students participating as active team members in extracurricular competitions (for example, moot court, trial competition, client counseling competition, negotiation competition, etc.) may receive two or three credits on a pass/fail basis as follows:

1. To be eligible to receive three credits, an active team member must have worked at least 127.5 hours, cumulatively, in the course of one or more competitions, excluding tryout competitions. To be eligible to receive two credits, an active team member must have worked at least 85 hours, cumulatively, in the course of one or more competitions, excluding tryout competitions.
2. The program must be supervised or advised by a faculty member and approved for credit by the curriculum committee or the Associate Dean for Academic Affairs.
3. The student must make a substantial intellectual contribution to the activity. Alternates may receive credit if they make substantially the same contribution to the team as that made by the primary members of the team. Administrators or "managers" of the programs who do not participate in the intellectual exercises required by the program are not eligible for credit. However, an administrator or manager can receive credit if he/she qualifies for credit under paragraph (D) below.
4. The student must complete a written exercise in connection with the activity, which will be evaluated by the faculty supervisor or advisor. In many cases this will be a requirement of the competition. When there is no such requirement, students may receive credit if they reduce their learning to a written form which is evaluated by the faculty supervisor or advisor. This may take the form of a brief, trial memorandum, file memorandum, or other document relating to what

they learned in the preparation for the competition. If the rules of the competition limit the involvement of faculty supervisors or advisers, evaluation and criticism of the written product may be postponed until the competition is complete.

- To obtain credit for supervised extracurricular competition, a student must complete a form available in the Office of the Registrar/Academic Services.

## Credit Hour Policy

- The Law School faculty, upon the recommendation of the Curriculum Committee, establishes the number of credit hours for each course. All course proposals beginning academic year 2016-17, must include a justification for the number of credit hours to be awarded (including out-of-class student work).
- In accordance with ABA Standard 310 (b): *A "credit hour" is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or (2) at least an equivalent amount of work as required in number (1) of this definition for other academic activities as established by the institution, including clinical, simulation, field placement, co-curricular, and other academic work leading to the award of credit hours.*
- For each course, the course faculty member must determine that adequate work has been assigned such that a student would be expected to spend a minimum of 30 hours a semester per credit hour outside of the classroom in preparation for the course. The hours include time spent preparing for and taking exams.
- To document the basis for this determination, the faculty member must include in the course syllabus an adequate description of the work to be assigned.
- Students enrolled in clinics or externships must submit written documentation for time spent on course-related work to their supervising faculty member at regular intervals, to be determined by their supervising faculty member. Faculty will determine the number of hours required for each unit of credit; at a minimum, students must complete 42.5 hours for 1 credit; 85 hours for 2 credits, and 127.5 hours for 3 credits.  
REVISED AS OF 7/6/2017
- Students enrolled in directed research and other non-regularly scheduled classes must complete a minimum of 42.5 hours for 1 credit; 85 hours for 2 credits, and 127.5 hours for 3 credits.
- For Law Journals and Co-Curricular activities, such as mock trial and moot court, the Editor in Chief or similar position, is responsible for verifying to the faculty advisor that each student to be awarded 2 credits has completed 85 hours of work, which may include written materials, preparation time and performance in competitions.
- The Associate Dean for Academic Affairs is responsible for interpreting this Policy to ensure consistency and compliance with ABA Accreditation standards and conducting a review of course syllabi every 3 years to ensure compliance with this credit hour policy. At the Associate Dean's request, the Curriculum Committee will further review a number of course syllabi to ensure compliance.

## Hardship Admission to Courses

- Hardship petitions shall be filed with the Office of the Law Registrar and Academic Services. The petition shall contain a complete statement of why the student is seeking hardship admission to the course. 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**

- There is no appeal from of a hardship petition by the Associate Dean for Academic Affairs.

## Postponement of Examinations and Papers

- Petitions for postponement of examinations shall contain the following:
  - A list of the examinations that the student wishes to postpone; and
  - The reasons why the student is seeking a postponement. If the postponement is sought because of medical reasons, the student should submit documentation of the medical concern on request.
- The Associate Dean for Academic Affairs may grant examination postponements for good cause, 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.
- Makeup examinations shall be scheduled on the day designated as a make-up day on the examination schedule or on another day designated by the the Associate Dean for Academic Affairs.
- There is no appeal from a decision denying the postponement of examinations.
- Professors may postpone the due dates for papers without the approval of the Associate Dean for Academic Affairs. 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 of the graduating semester. For December graduates, the paper must be submitted by September 1 of the graduating semester.

### Probation and Dismissal for Failure to Meet Academic Requirements

#### Preamble

Students must meet the average grade point average requirements. Students who fail to meet these requirements may be placed on academic probation or dismissed.

When a student's performance may be adversely affected by extraordinary personal circumstances beyond the student's control, the student bears the responsibility to take the necessary steps to improve their academic performance before academic failure results.

#### Rule 1: Standards for Automatic Dismissal for Failure to Meet Academic Requirements.

Except for graduating seniors in their final semester (see RULE 5), any of the following will result in automatic dismissal for failure to meet minimal academic requirements.

- A grade average for any individual semester after the first semester of the first year below 1.500.

2. A cumulative overall grade average at any time after the first semester of the first year of less than 2.000.
3. Failure to meet the requirements for being removed from academic probation as specified in RULE 3.
4. Obtaining a grade of F in more than two courses.

**Rule 2: Standards for Placing Students on Academic Probation for Failure to Meet Academic Requirements.**

Any student whose grade average for an individual semester falls below 2.000 but who is not otherwise subject to dismissal under RULE 1 shall be placed on academic probation for failure to meet academic requirements.

**Rule 3: Standards for Removing Students from Probation.**

Any student whose aggregate grade average for the probationary semester and the preceding semester is 2.000 or better, who satisfies such other requirements as may be imposed, and who is not otherwise subject to dismissal under RULE 1, shall be removed from probation at the end of the probationary semester. Students who satisfy these requirements will be automatically removed from academic probation.

**Rule 4: Standards for Conditional Readmission of Probationers Until Grades are Reported.**

Any student placed on probation under the provisions of RULE 2 shall be allowed to register and attend classes during the semester or summer school term following the probationary semester until the student's grades for the probationary semester have been reported. The student shall be allowed to continue enrollment as a student in good standing only if the requirements of the probation are met. If the requirements of the probation are not met, the student shall be required to withdraw from enrollment in the Law School and shall be dismissed under RULE 1. A student who is required to withdraw under this Rule shall be entitled to the return of such portion of the student's tuition as may be permitted by the regulations of the University of South Carolina.

**Rule 5: Standards Governing Students Who Fail to Meet Academic Requirements in the Semester They are Scheduled to Graduate.**

Violation of the provisions of RULE 1 in the semester a student is scheduled to graduate shall result in automatic dismissal except when the only subparagraph violated is Rule 1(a) (student's grade average for the semester is below 1.500) in which case the student shall not be dismissed but shall be placed on probation and required to complete an additional probationary semester under the conditions of RULE 3.

**Rule 6: Summer School Terms.**

The summer school term shall not be considered an "individual semester" or a "probationary semester" for any purpose under these Rules. Grades received during the summer school term shall be included in the average of the grades received in the next following individual semester, and the student's cumulative overall grade average shall not be computed until that time. Probationary students shall be allowed to enroll in summer school subject to the provisions of RULE 4.

## 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. A description of the efforts the student made to identify, address, and eliminate the reasons for the student's lack of academic success prior to dismissal;
  - c. Measures the student has taken to remedy these problems;
  - d. If the student has received medical or mental health services to address reasons for the student's lack of academic success, a written statement from the professional(s) providing such services, addressing improvements in the student's condition, the student's ability to address future academic challenges, and recommended continued treatment;
  - e. If the student has received academic assistance, a statement from the person(s) providing such assistance describing the student's efforts to improve academic performance and identifying recommendations for future academic assistance;
  - f. Any other information the student believes would support the relief requested in the petition; and
  - g. If the student is seeking a waiver of the waiting period (§ 3 below), an explanation of the hardship that would result 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 Associate Dean finds that there is a high probability that the student will succeed on readmission. In making this determination, the Associate Dean will consider all evidence before them, including the student's petition and the student's record.
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 their legal education without the approval of a petition for withdrawal shall be treated as dismissed because of failure to meet academic requirements. Failure to seek permission for withdrawal may be considered a negative factor in any petition for readmission.
5. The Associate Dean for Academic Affairs shall set the terms and conditions of readmission. If, however, a student is dismissed at the end of the first year and the student's grade point average is less than 1.800 (or the student receives a final grade below C in 50 percent or more of their courses), the student must repeat the first year and will not be readmitted to the second-year class. For students whose grade point average is between 1.800 and 1.999, the Associate Dean has the 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 during the probationary period shall be dismissed from school.
6. The student may appeal the Associate Dean's denial of a petition for readmission to the Academic Responsibility Committee.
7. Students who have been twice-dismissed for failure to meet academic requirements and who seek to return must submit a readmission petition to the Academic Responsibility Committee. For the purposes of this subsection, dismissal or suspension as a result of a violation of the Rules of Academic Responsibility shall be considered a failure to meet academic requirements.

## 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 official academic record of any student granted academic forgiveness: "This student was granted academic forgiveness under the University of South Carolina Joseph F. Rice School of Law Academic Forgiveness Program. No courses taken at the Law School prior to (date of readmission) are used to meet degree requirements or in the calculation of the GPA with the exception of Introduction to the Legal Profession. Introduction to the Legal Profession may be used to meet degree requirements if successfully completed."
5. The following statement shall appear on any unofficial academic record such as a grade sheet of any student granted academic forgiveness: "I was granted academic forgiveness under the University of South Carolina Joseph F. Rice School of Law Academic Forgiveness Program. No courses taken at the Law School prior to (date of readmission) are used to meet degree requirements or in the calculation of the GPA. Introduction to the Legal Profession may be used to meet degree requirements if successfully completed."

## Withdrawal or Leave of Absence from Law School

1. A petition for withdrawal shall contain the following:
  - a. An explanation for why the student wishes to withdraw or take a leave of absence. If the withdrawal or leave of absence is sought because of medical reasons, the student should be prepared to present documentation of the medical problem at the 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 or a leave of absence shall be granted by the Associate Dean for Academic Affairs if the Dean finds that bona fide medical or personal circumstances warrant the withdrawal or leave of absence.
3. A student who discontinues their legal education without the approval of a petition for withdrawal or leave of absence shall be treated as being dismissed because of failure to meet academic requirements. Failure to seek permission for withdrawal or leave of absence shall be a negative factor in any petition for readmission.
4. Students may appeal decisions of the Associate Dean for Academic Affairs concerning petitions for withdrawal to the Admissions Committee. The standard of review is whether the decision of the Associate Dean was clearly erroneous.
5. Students seeking to withdraw or take a leave of absence must notify the Associate Dean in writing prior to the first day of the Law School's WF period. 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. The student should contact the University Office of Financial Aid and the University Office of the Bursar about the financial implications of the withdrawal or leave of absence.

### Readmission After Withdrawal or Leave of Absence

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

## 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.

## Notification of Student Rights Under FERPA

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

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.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where 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 that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify

the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's 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 provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University may disclose Directory Information 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 him or her. Students are notified annually, both in the academic bulletins and via email, of their rights under FERPA and are provided with instructions on how to request a "Confidentiality Indicator" on their academic record which prevents the disclosure of Directory Information. A Confidentiality Indicator will be placed on the release of Directory Information filed with the University Registrar, which will remain in effect until the student files a written request to remove it. A request not to disclose Directory Information applies to the entire category of such information and cannot be selective with regard to specific items defined as Directory Information. Similarly, a request not to disclose Directory Information applies to all individuals and cannot be selective with regard to specific individuals or organizations.
- The University discloses education records without a student's prior written consent under the FERPA exception for disclosure 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 as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, service provider or collection agent); 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 responsibilities for the University.
- To officials of other institutions in which the student seeks or intends to enroll provided that the student had previously requested a release of his/her record;
- To authorized representatives of the U.S. Department of Education, U.S. Department of Defense (Solomon Amendment), U.S. Attorney General, the Comptroller General of the United States, state education authorities, organizations conducting studies for or on behalf of the University, and accrediting organizations; to the Department of Homeland Security (DHS) and its Immigration and Customs Enforcement Bureau (ICE) in order to comply with the requirements of SEVIS.
- In connection with a student's application for, and receipt of, financial aid;
- To comply with a judicial order or lawfully issued subpoena;
- To parents of dependent students as defined by the Internal Revenue Code, Section 152;
- To appropriate parties in a health or safety emergency; or

- To the alleged victim of any crime of violence or the results of any disciplinary proceedings conducted by the University.
- 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.
- 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.

#### Release of Directory Information

In accordance with section 99.7 of the Family Educational Rights and Privacy Act (FERPA), the University of South Carolina provides students annual notification of their FERPA rights. The University of South Carolina has designated certain items as Directory Information. At the University of South Carolina, these items are as follows:

- Name
- Dates of Attendance
- Campus
- College or School
- Classification
- Primary Program of Study
- Full-time or Part-time Status
- Degree(s) Awarded Including Dates
- Honors and Award Including Dean's and President's List
- University Email Address
- City, State, and Zip Code Associated with a Student's Permanent Address

The University may disclose Directory Information 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 him or her. Students are notified annually, both in the academic bulletins and via email, of their rights under FERPA and are provided with instructions on how to request a "Confidentiality Indicator" on their academic record which prevents the disclosure of Directory Information. A Confidentiality Indicator will be placed on the release of Directory Information filed with the University Registrar, which will remain in effect until the student files a written request to remove it. A request not to disclose Directory Information applies to the entire category of such information and cannot be selective with regard to specific items defined as Directory Information. Similarly, a request not to disclose Directory Information applies to all individuals and cannot be selective with regard to specific individuals or organizations.

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.

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

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