

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 School of Law. Academic work includes any work performed or assigned to be performed in connection with any Academic Program. Academic Program includes Extracurricular Activities.
2. Advisor
"Advisor" means any person chosen by the Student to represent the Student and to present arguments and evidence on the Student's behalf to a Hearing Panel.
3. Chair of Hearing Panel
"Chair of the Hearing Panel" means a faculty member nominated by the Dean to serve the role of carrying out the duties specified in Section 3 of these Procedures.
4. Code
"Code" means the University of South Carolina School of Law Honor Code.
5. Day
"Day" means the period of time as computed under Rule 6(a) of the South Carolina Rules of Civil Procedure.
6. Dean
"Dean" means the Dean of the School of Law or a designee of the Dean.
7. Extracurricular Activity
"Extracurricular Activity" means an activity performed by a Student associated with the School of Law or the University of South Carolina that falls outside the realm of 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.
8. Hearing Panel
"Hearing Panel" means a 5 member panel designated to determine whether a Student has violated the Code and, if so, to determine what sanction that Student should receive. The Hearing Panel is comprised of 3 full-time faculty members, appointed by the Dean, and 2 Honor Council members, selected by the Chair of the Honor Council.
9. Investigator
"Investigator" means a person appointed by the Dean for purposes of carrying out the duties of Sections 4.2 and 4.3. The Investigator may not be the Presenting Party.
10. Instructor
"Instructor" means any person designated by the School of Law to teach or otherwise counsel students in an Academic Program.
11. Presenting Party
"Presenting Party" means a person appointed by the Dean whose purpose is to present the case against the Student on behalf of the School of Law. The Presenting Party may not be the Dean or the Investigator.
12. School of Law
"School of Law" means the University of South Carolina School of Law.
13. Statement of Allegations

"Statement of Allegations" means a document prepared by the Presenting Party for the purposes of notifying the Student of the facts alleged to constitute a violation of the Code and informing the Hearing Panel of the matter before them.

14. Student
"Student" means any person who has accepted admission to the School of Law and has neither graduated, transferred to another institution or field of study, withdrawn, nor been expelled.
15. University Committee
"University Committee" means the University Academic Responsibility Committee. This committee consists of five faculty members, two undergraduate students, and two graduate students.

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, 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 School of Law. Former Students of the School of Law remain subject to this Code for violations committed while a Student. An applicant who later becomes a Student at the School of Law is subject to this Code with respect to any statements or representations made in connection with the application process.

Section 2. Prohibitions.

1. A Student shall not lie.
A lie includes any form of dishonesty or misrepresentation, including the making of a statement known to be false or the willful omission of a material fact necessary to avoid a misrepresentation of the truth. A Student's knowledge of a statement's falsity may be inferred from the circumstances. This rule applies only to statements or omissions made in connection with an Academic Program at the School of Law. Examples include, but are not limited to, a Student's communications with faculty, staff, or other Students of the University relating to academic issues; communications made in connection with the Student's use of University facilities or services; and communications made while enrolled at the School of Law with third persons, such as a prospective employer, regarding the activities or record of the Student.
2. A Student shall not cheat or plagiarize.
For purposes of this rule, cheating is construed broadly to include using unauthorized materials, disregarding a professor's rule of anonymity, giving or receiving any unauthorized assistance in the completion of any academic course work, paper, examination, or in connection with a Student's participation in any Extracurricular Activity. Plagiarism is the use or close imitation of the language and thoughts of another author and the representation of them as one's original work. Plagiarism includes quoting, paraphrasing, or otherwise using another's words or ideas as one's own without crediting the source in a way that clearly indicates the nature and extent of the source's contribution to the Student's work. An act of cheating or plagiarism in which the Student does not actually obtain a benefit

from the conduct is an offense under this section. An act of cheating or plagiarism without specific intent is an offense under this section.

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.

Section 3. Duties.

1. A Student shall report those who they believe have violated this Code. A Student who has information sufficient to create a reasonable belief that another Student has violated this Code shall promptly report that information either to the Instructor in the affected Academic Program or to the Dean.
2. A Student shall testify fully and truthfully in regard to a Code violation when called to do so.

Disciplinary Procedures

Section 1. General Applicability.

The following procedures govern enforcement of the Code at the School of Law. A revision of the Code or these Procedures may be adopted upon approval by a majority of both the faculty and the Honor Council, and only after the proposed revisions have been posted for Student comment either in the School of Law building or on an internet vehicle for a minimum of 12 Days.

Section 2. Report of an Alleged Violation.

1. Reports by Instructor. Any Instructor in an Academic Program who reasonably believes that a Student may have violated the Code shall report in writing the facts giving rise to that belief to the Dean.
2. Report by Persons Other than Instructor. Any person, other than the Instructor, who believes that a Student may have violated the Code shall report in writing the facts giving rise to that belief to either the Instructor of the Academic Program in which the violation allegedly occurred and to the Dean. In the event that a Student reports an alleged violation only to the Instructor, the Instructor shall inform the Dean in writing the facts alleged. A report must include the identity of the reporting person.

Section 3. Disposition of Admitted Violation.

1. Admission of Violation. An accused Student may, at any time, admit a violation of the Code by providing to the Dean a written statement admitting the allegation. If an Investigator has not been appointed pursuant to Section 4.1 prior to the admission of a violation under this Section, the Dean shall promptly appoint an Investigator to conduct a sufficient investigation to determine any additional facts relevant to the admission. If a Presenting Party has not been appointed pursuant to Section 4.5 prior to the admission of a violation under this Section, the Dean shall promptly appoint a Presenting Party to carry out the responsibilities set forth in Sections

3.2 and 4.9. The matter shall thereafter be handled as provided in Section 3.2.

2. Sanctions Hearing.

- a. If the accused Student admits, pursuant to Section 3.1, that a violation has occurred, the Dean shall convene a Hearing Panel to hear the matter for the sole purpose of determining the appropriate sanction, as set forth in Subsection 4.9(b). This hearing must occur at the later of either the Investigator's completion of the investigation or not less than 5 Days, nor more than 21 Days, after the date on which the Dean has received the written statement of admission from the Student.
- b. At the conclusion of any matter in which a violation has been admitted, the Dean shall notify the School of Law Registrar, the University Office of Student Development, and any other appropriate University offices of the offense and the sanction imposed.

Section 4. Disposition of Contested Allegations.

1. Appointment of Investigator and Notice to Accused. Upon receiving a written report of an alleged violation of the Code, the Dean shall gather relevant information regarding the allegations. The Dean may consult with the Chair of the Honor Council regarding whether to initiate a formal investigation. If the Dean decides that the matter warrants a formal investigation, the Dean shall appoint one or more Investigators. Upon appointment of the Investigator, the Dean shall promptly notify the accused Student of the allegations by letter, addressed to the Student, delivered personally or by first-class mail to the accused Student's permanent address on record at the School of Law. The notice must inform the Student of the following:
 - a. An investigation is being conducted into a possible Code violation,
 - b. The general nature of the alleged violation,
 - c. The name of the Investigator,
 - d. At the conclusion of that investigation, the matter, and any other matters discovered during the course of the investigation, will either be closed or prosecuted in accordance with these Procedures;
 - e. If the Student either does not respond or is found to have committed the offense described, the Student may receive one or more of the sanctions described in Section 5.1.
2. Conduct of Investigation. The Investigator may interview witnesses, including the accused Student, and review any documents or other information that may assist in determining facts relevant to the alleged violation. An accused Student who refuses to answer inquiries regarding the matter shall not be subject to additional discipline for doing so. Finders of fact may, however, draw appropriate inferences from the accused Student's refusal to answer questions.
3. Submission of Investigation Report. The Investigator shall submit a written report to the Dean within 14 Days after appointment, unless the Dean has granted a reasonable extension of time. The investigation report must summarize the factual findings of the investigation. It must also contain a recommendation regarding potential actions under Section 4.4.
4. Action by Dean Upon Receipt of Investigation Report. Upon submission of the written investigation report, the Dean shall, within a reasonable period of time (generally not more than one week) take one of the following actions. In making the decision about the appropriate course of action, the Dean shall consult confidentially with the Chair of the Honor Council.

- a. If the Dean determines that the allegations in the investigation report, even if proven to be true, would not constitute a Code violation, the Dean may close the matter. The Dean shall, either personally or in writing, promptly notify the accused Student, 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 of the Code occurred.
 - b. If the Dean determines that the allegations in the investigation report, if proven to be true, would constitute a Code violation, the Dean shall refer the allegation to the Hearing Panel for hearing and disposition as provided in Section 4.5.
 - c. If the Dean determines that additional investigation of the original allegations or of additional allegations is needed, the Dean may request further investigation of the matter prior to disposition under either paragraph (a) or (b) above.
5. Referral of Allegations to the Hearing Panel.
- a. Upon a decision by the Dean to refer a matter for hearing, the Dean shall appoint a Presenting Party. The Presenting Party shall prepare a Statement of Allegations. No more than 14 days after being nominated by the Dean, the Presenting Party shall provide the Statement of Allegations to the Chair of the Hearing Panel (Chair), along with a list of witnesses likely to be called to testify at the hearing, including the Investigator, and copies of any documents likely to be produced at the hearing.
 - b. The Presenting Party shall request information regarding any prior violation by the accused Student of the Code or any history of academic discipline for dishonesty as disclosed on the accused Student's application for admission to the School of Law. The Presenting Party shall not reveal such information to the Hearing Panel until the sanction phase of the hearing according to Subsection 4.9(b).
 - c. Not less than 3 Days prior to the hearing date as set in Section 4.6, the accused Student and the Presenting Party shall provide the Chair and the opposing party, either personally or by first-class mail, a list of witnesses likely to be called to testify at the hearing and copies of any additional documents likely to be produced.
 - d. Not less than 3 days prior to the hearing date as set in Section 4.6, the accused Student shall provide notice to the Chair and the Presenting Party, either personally or by first-class mail, if the Student intends to have an Advisor present at the hearing.
 - e. The Chair may delay the hearing or exclude from the hearing any witnesses or documents not identified prior to the hearing, as required by Subsection 4.5(c), if the lack of prior notice would unfairly prejudice either party. The Chair, at its discretion, may delay the hearing or refuse to allow the person selected by the Student as an Advisor to participate actively in the hearing, if the required notice of that person's intended presence is not provided as required in Subsection 4.5(d).
 - f. No Hearing Panel member shall consider a matter in which that person is unable to serve with impartiality. If an accused Student believes that a member of the Hearing Panel should be recused for partiality, the accused Student shall notify the Dean in writing not less than 96 hours prior to the scheduled hearing, showing cause why a member should be removed from consideration of the matter. If a member is removed or unable to serve, a substitute shall be appointed as set forth in the Hearing Panel definition.
6. Hearing Date. Upon receiving the Statement of Allegations, the Chair shall set a date for a hearing, to be held not less than 14 Days nor more than 21 Days after notice to the accused Student of the hearing is mailed or personally delivered to the accused Student, as provided under Section 4.7. Notice of the hearing date also shall be sent to the Instructor in the affected Academic Program. The time provisions of this section may be waived by the Chair, with the consent of both the accused Student and the Presenting Party.
7. Notice to Accused Student. Upon setting the Hearing Date, the Chair shall deliver to the accused Student, either personally or by first-class mail to the Student's permanent address on record with the School of Law, the following information:
- a. A copy of the Statement of Allegations;
 - b. A copy of these Procedures and of the Code;
 - c. The Presenting Party's list of possible witnesses and copies of any documents likely to be presented at the hearing;
 - d. A list of the names of the members of the Hearing Panel and notice of the Student's right to request recusal of one or more panel members;
 - e. Notice of the time and place of the hearing;
 - f. Notice of the right to be accompanied by an Advisor at the hearing and the duty to notify the Chair, no less than 3 Days before the hearing is scheduled, of the Student's intention to have an Advisor present at the hearing;
 - g. Notice of the right to an open hearing and the duty to exercise this right by notifying the Chair no less than 3 days before the hearing is scheduled.
 - h. Notice that the Student must provide a list of witnesses and documents to the Chair and the Presenting Party no less than 3 Days before the scheduled date of the hearing;
 - i. Specific notice that the hearing is the Student's opportunity to defend against the allegations brought and that one or more sanctions specified in Section 5 may result from a finding that any violation occurred.
8. Attendance at Hearing. All hearings must remain confidential and closed to persons other than the Hearing Panel, the Presenting Party, the Instructor in the affected Academic Program, the witnesses during the time of their testimony, the accused Student, and the Advisor unless an open hearing is requested in writing by the accused Student not less than 3 Days prior to the hearing. 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, and the absence is without excuse, the Hearing Panel may elect to hear the matter in absentia. The Instructor in the affected Academic Program may attend the hearing in its entirety, but may not participate in the hearing unless called by either side as a witness or otherwise questioned by the Hearing Panel.
9. Conduct of the Hearing. The hearing shall be conducted in two parts, set forth in paragraphs (a) and (b) of this Section. Hearing Panel members must be physically present for the hearing.
- a. Violation Hearing. At the outset of the violation hearing, the Chair shall provide each member of the Hearing Panel with a copy of the Statement of Allegations or shall read aloud the Statement of Allegations in its entirety. The Presenting Party appointed pursuant to Section 4.5 shall proceed by presenting evidence supporting the allegations set forth in the Statement of Allegations. The Presenting Party may present and question witnesses and offer other relevant evidence in support of the allegations. The accused Student or the Advisor shall have

the right to question the witnesses. At the conclusion of the Presenting Party's case, the accused Student or the Advisor may present and question witnesses and offer any other relevant evidence for the purpose of defending against or mitigating the allegations set forth in the Statement of Allegations. The Presenting Party may question witnesses offered by the accused Student. Formal rules of evidence do not apply and any relevant evidence is admissible, including hearsay, unless excluded by the Chair for good cause. Members of the Hearing Panel also may question any witness presented by the Presenting Party or the accused Student. After all evidence has been presented, the Presenting Party may make a closing statement to the Hearing Panel followed by a closing statement by the accused Student or the Advisor. The Presenting Party may then offer a rebuttal statement. The Hearing Panel will then deliberate in private until a decision is reached on each allegation. In order to find a violation, the Hearing Panel must determine by a majority vote that facts sufficient to constitute a violation have been proven by clear and convincing evidence. If the Hearing Panel determines that a violation has not been adequately proven, the Hearing Panel shall prepare written findings of fact and conclusions dismissing the allegation. The Chair shall send a copy of the findings and conclusions to the accused Student and to the Presenting Party. Written notice of the findings and conclusions shall also be sent to the Dean and the Instructor in the affected Academic Program.

b. **Sanction Hearing.** If the Hearing Panel determines that a violation has been adequately proven, the Hearing Panel shall then reconvene to consider evidence in aggravation or mitigation of the offense for the purpose of determining a sanction. The Presenting Party shall at this time provide the Hearing Panel with information regarding the Student's history of academic dishonesty as provided for in Subsection 4.5(b). The Presenting Party may also call witnesses or present other relevant evidence in mitigation or in aggravation of the offense. The Student or the Advisor has the right to question the Presenting Party's witnesses. The Student may then call witnesses or present relevant evidence in mitigation of the offense. The Presenting Party may question the Student's witnesses. The Student may make a personal statement to the Hearing Panel. The Hearing Panel shall then deliberate in private and agree upon an appropriate sanction, as set forth in Section 5, by majority vote. The Hearing Panel shall, within 5 Days, deliver personally or send by first class mail to the permanent address of the Student on record with the School of Law, written findings of fact and conclusions, along with notice of sanctions imposed, to the Student, the Dean, the Presenting Party, the Instructor in the affected Academic Program, the School of Law Registrar's Office, and the University Office of Student Development.

10. **Record of Hearing.** An audio recording or other record of the hearing must be made and retained in the Office of the Dean.

11. **Written Report of Hearing.** The Hearing Panel shall prepare a report to be given to the Dean summarizing the matter and the disposition of the matter.

Section 5. Sanction.

1. **Sanction Options.** The following sanctions may be imposed upon a Student found to have violated the Code:
 - a. Permanent expulsion from the School of Law;
 - b. Definite suspension from the School of Law for a period of not less than one semester;

- c. Reprimand to be administered orally by the Chair to the Student, with a record of the reprimand to be maintained in the Office of Student Development and the School of Law Registrar's Office (first offense only);
 - d. A Letter of Warning from the Chair to be recorded in the Office of Student Development and the School of Law Registrar's Office (first offense only);
 - e. Revocation of admission to the School of Law or revocation of degree;
 - f. Any combination of the above sanctions.
2. **Aggravating Factors.** A history of discipline for academic dishonesty will be treated as a significant aggravating factor in determining the appropriate sanction for a subsequent offense. The sanctions provided for in this Section are intended to be disciplinary.
3. **Independent Academic Discipline.** Nothing in these procedures, including the imposition of any sanction, shall be interpreted to limit the academic authority of an Instructor to determine an appropriate grade for a Student. If an Instructor determines that, because of academic dishonesty, a Student's performance in an Academic Program merits a grade reduction or a failing grade, the Instructor's authority to award such an appropriate grade is not limited by the imposition of any sanction under this Section.
4. **Execution of Sanction.** The Dean shall notify proper University offices of the sanction imposed on the Student.

Section 6. Appeals.

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.
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:
 - a. that specific procedural rules were not followed, resulting in prejudice to the accused Student;
 - b. that the facts as set forth by the Hearing Panel in its written findings of fact do not establish a violation of the Code;
 - c. that there is no evidence in the record to support a finding of fact by the Hearing Panel;
 - d. that there is specific evidence of improper bias on the part of any member of the Hearing Panel;
 - e. 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.
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.
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 School of Law Registrar's Office, and the Instructor in the affected Academic Program

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.
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:
 - a. affirming the decision of the Hearing Panel;
 - b. 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;
 - c. 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 7. 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 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 8. 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.

Provisions on Arrest Reporting

With the adoption of the School of Law Honor Code in August 2010 and the South Carolina Supreme Court's new requirement that the 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 School of Law. This process replaces the prior obligation to report an arrest to the University's Office of Student Judicial Programs, although

the 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 School of Law. Former Students of the 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 other than a minor traffic violation, you must report that fact to Associate Dean for Student Affairs, within 72 hours of the event. You may notify the Associate Dean for Student Affairs in person, by e-mail, or by phone. If the Associate Dean for Student Affairs is not available, you may see the Associate Dean for Academic Affairs. 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 reduce materially a student's grade in a course because of absences. A student who is absent from a class for more than ten percent (10%) 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.

- 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 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

Students are responsible for keeping track of their own attendance. No absences from class are "excusable" for purposes of determining whether a student has violated the Attendance Rule. The Associate Dean for Academic Affairs, however, can waive the Attendance Rule if a student has not missed more than thirty percent (30%) 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

Note: Students' class schedules must enable them to attend all regularly scheduled classes in all of their courses. Therefore, students may not register for courses that have any overlapping classes.

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 complete explanation of the reasons for all of the student's absences from class and shall be submitted prior to the examination or due date of a final paper. The form for the petition may be found on the Law Registrar's webpage.

In ruling on such petitions the Associate Dean for Academic Affairs shall balance the necessity of maintaining high academic standards and fairness to the student. The Associate Dean may consider the total number of absences, whether a substantial majority of the absences were the result of illness, personal or family problems, out-of-town job interviews, or out-of-town law school related activities, such as moot

court, and whether the student has otherwise made a good faith effort to minimize the total number of absences.

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 employment should not exceed fifteen hours per week and must not exceed twenty hours per week during the second and third years of law school. The fact of 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

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

2. Grade Distribution Policy

- a. The Law School's grade normalization policy for upper level courses is that the mean average grade in classes of more than 25 students should fall within .25 points of the class's mean average incoming GPA.
- b. The Law School's grade normalization policy for first-year courses other than Legal Research and Legal Writing I and II is that the

mean average grade in all classes shall fall within the range 2.7-3.0.

- 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.

3. 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:* The first day of class after January 15.
- *Spring Grades:* Thirty (30) days after the last regularly scheduled examination. Provided, however, the Dean has discretion to set a date for submission of grade information to determine the status of graduating seniors.
- *Summer Grades:* For each summer school course grades must be reported thirty (30) days after either the regularly scheduled examination date for the course or the last day of class if there is no examination in the course.

Grades for each course will normally be available on the University Computer system (VIP) the day after they are received in the Office of the Registrar/Academic Services.

4. Grade Changes

A grade in a course may be changed only on approval of the instructor teaching the course and the faculty of the Law School for computational error or other good cause. The refusal of the instructor to change a grade is not review-able except on petition to the faculty under the faculty bylaws. Special make-up work, extra work, or examination to change a grade already recorded is not permitted.

5. Class Ranks

Class ranks are computed twice yearly, and available for distribution on March 1 and August 1. Class ranks are calculated based on grades submitted when semester grades are due. Class ranks are not calculated after summer grades have been submitted. Summer grades are included when calculating Fall semester class ranks. Students can obtain their individual class ranks by making a written request to the Office of the Registrar/Academic Services on a form provided by that office.

6. Criteria for Academic Honors

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

7. 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:

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

The numerical value of grades is as follows:

A = 4.0 = Highest Honors
 B+ = 3.5 = Honors
 B = 3.0 = Superior
 C+ = 2.5 = Good
 C = 2.0 = Competent
 D+ = 1.5 = Marginal
 D = 1.0 = Poor
 F = 0.0 = Failure
 WF = 0.0 = 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 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 (6) hours of credit on a pass/fail basis for course or non-course work in the Law School. Students may receive a 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 (4) 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.

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 F.

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

The only 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, such as Criminal Trial Practice, Intensive Trial Advocacy and Trial Advocacy and with the professor's permission, Supervised Legal Research I and/or II.

A student who wants to take Supervised Legal Research on a pass/fail basis must obtain the written approval of the instructor prior to the end of the drop/add period. Note that the professor may refuse to allow a student to take Supervised Legal Research on a pass/fail basis. A form for such approval is available in the Office of the Registrar/Academic Services.

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 course work 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 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

Transfer students will receive a letter of acceptance from the Office of Admissions. After receiving the acceptance letter, students are required to meet with the Registrar/Director of Academic Services to review transfer of hours, grade point average, graduation requirements and registration. The grades earned at the student's former school in courses accepted for transfer credit will be included in computing the transfer student's cumulative grade point average. Although graded hours may exceed 30 hours, no more than 30 earned hours will be accepted toward the 90 hours required for graduation. 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 computed on the basis of all law school grades earned at both the Law School and the student's former school.

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 School of Law. Petitions for such credit are granted only where:

1. there is good cause;
2. the proposed course work 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 School of Law. The 60 required hours shall not include course work 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.

Dual Degree Programs

The Law School offers the following dual degree programs:

- International Master of Business Administration
- Master of Accountancy
- Master of Arts in Criminology and Criminal Justice
- Master of Earth and Environment Resources Management
- Master of Arts in Economics
- Master of Health Administration
- Master of Human Resources
- Master of Public Administration
- Master of Social Work
- Master of Environmental Law and Policy (with the Vermont Law School)
- Master of Mass Communications

1. Dual Degrees with other Departments at USC

Students admitted to a dual degree program must complete the law school's dual degree application available in the Office of the Registrar/Academic Services, room 137. Once officially recognized as dual 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. Even if admitted to more than one dual degree program, a student may not apply more than a total of 9 graduate credit hours toward the J.D. degree. 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 dual degree. Unless a waiver is obtained, all course work for the non-law program must be completed simultaneously with, or prior to, Law School graduation. 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 before taking the same titled course in both the Law School and Graduate school. Other than mentioned above, any graduate level course in the combined program may be transferred for the 9 Law School credit hours. Dual degree students must also comply with the 12 hour residency requirement when applying the 9 hours of graduate work. Students in the dual degree program will generally pay Law School fees, with exception of the Moore School of Business. Students enrolled in Law School and the Moore School of Business will pay law tuition and business school program fees. It is required that students enrolling in a dual degree program 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.

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

Students at the University of South Carolina School of Law can take advantage of the nation's largest environmental law curriculum through a Dual Degree program with Vermont Law School. The University of South Carolina School of Law's excellent in-house educational opportunities in the field of environmental law are expanded through the Vermont Law School's Master of Studies in Environmental Law (M.S.E.L.) degree program.

Together, the University of South Carolina and Vermont Law School offer a dual degree program that enables qualified University of South Carolina law students to earn two degrees in three or three and a half years: a J.D. from the University of South Carolina, and an M.S.E.L. from Vermont Law School. In addition to courses at the University of South Carolina, 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.

a. Earning the MELP and JD Degree

University of South Carolina School of Law first-year students initially seek approval to participate in the MELP/JD dual degree program from the Office of the Associate Dean for Academic Affairs, who grants approval pursuant to regulations and in consultation with the Dual Degree Committee. 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 register for Summer Session courses later

in the semester. Dual Degree students must enroll in Introduction to Environmental Law at the Law School during the Maymester following their first year. Dual degree students also 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.

b. The Dual Degree Progression

- 11 credits – M.E.L.P. courses (including Ecology) taken at Vermont Law School's Summer Session.
- 10 credits – M.E.L.P. courses taken via distance learning at the University of South Carolina during the second and third years of law school, or a combination of such courses and a limited number of credit hours for an approved internship.
- 9 credits – Environmental law courses taken at the University of South Carolina for J.D. credit shared with M.E.L.P. requirements. These courses typically include Administrative Law, Federal Environmental Law, and Land Use Planning. Even if admitted to more than one dual degree program (such as MEERM), a student may not apply more than a total of 9 graduate credit hours toward the J.D. degree

c. 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.

d. 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 USC. 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 School of Law 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 (2) courses or six (6) hours of credit in another department of the University. Only graduate (500 level and up) courses are acceptable. Grades in all such courses shall be recorded on a Pass/Fail basis, with a grade of below C being recorded as a Failure. Note further that such courses count affect the maximum number of Pass/Fail hours that can be counted toward the J.D. Students must also 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 School of Law. The 60 required hours shall not include course work in independent research and co-curricular activities such as law review, 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 the sixteen (16) hours maximum rule still applies.

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

1. Eligibility; Graduation during the summer

The Law School offers a Maymester and one session each summer. No student may enroll for summer school who is not eligible to return in the following fall semester. The Law School does not contemplate that students will normally complete their legal education at the end of a summer session. Therefore, 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.

2. 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 (1) semester of residency if the following requirements are met:

The student must matriculate in two summer sessions and satisfactorily complete not less than twelve (12) hours in the two sessions, with a minimum of six (6) hours being required in each summer session.

Although credit hours earned during Maymester can be included in determining the minimum 6 credit hours per summer session requirement, to receive residency credit a student must complete at least one course during both regular 7-week summer sessions.

Co-curricular Activities

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

1. Editorial Board

Journal of Law and Education; South Carolina Law Review; Real Property, Probate and Trust Journal; Southeastern Environmental Law Journal; South Carolina Journal of International Law and Business. Students may obtain two (2) hours credit on a pass/fail basis for serving in a position 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; or the South Carolina Journal of International Law and Business. 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.

2. Supervised Extracurricular Competition.

Students participating in extracurricular competitions (for example, moot court, trial competition, client counseling competition, negotiation competition, etc.) may receive degree credit only once for participating in an extracurricular competition:

- a. 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.
- b. 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 (c) below.
- c. 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 adviser. 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.
- d. 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

1. 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-course work).
2. In accordance with ABA Standard 310 (b), a "credit hour" is an amount of work that reasonably approximates:
 - a. 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
 - b. 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.
3. 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.

4. 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.
5. 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.
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6. 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.
7. 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.
8. 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

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

Postponement of Examinations and Papers

1. Petitions for postponement of examinations shall contain the following:
 - a. A list of the examinations that the student wishes to have postponed;
 - b. The reasons why the student is seeking postponement. If the postponement is sought because of medical reasons, the student should be prepared to present documentation of the medical problem on request.
 - c. The period of time for which the student is seeking postponement.
2. The Associate Dean for Academic Affairs may grant examination postponements for good cause, such as some physical or emotional

problem that has made preparation for or taking of the examination extremely difficult. The fact that a student has several examinations in sequence does not justify examination postponement. No examination postponement will be granted for a student who has already missed an examination unless the student can demonstrate that it was physically impossible for the student to seek advance approval of an examination postponement.

3. Makeup examinations shall be scheduled on the day designated as a make-up day on the examination schedule or on another day by mutual agreement of the professor, the Associate Dean for Academic Affairs, and the student.
4. There is no appeal from a decision denying postponement of examinations.

Note on Postponement of Papers. Postponement of the due dates of papers may be made by individual professors without the approval of the Associate Dean for Academic Affairs. Provided, however, the due date for any paper submitted to satisfy the Writing Requirement may not be postponed beyond the date for completion of the Writing Requirement without the approval of the Associate Dean and the professor to whom the paper will be submitted. For May graduates the paper must be submitted in final form to the faculty member by January 15. For December graduates, the paper must be submitted by September 1.

Probation and Dismissal for Failure to Meet Academic Requirements

Preamble

The faculty of the University of South Carolina School of Law believes that the rigorous maintenance of high academic standards is of utmost importance. The grade average requirements students must satisfy in order to remain in school represent the bare minimum of what can properly be demanded of one who expects to enter the practice of law. Clearly, the broader aim of the institution is to promote in all its graduates a higher level of competence. There is, thus, ample justification for dismissing any student who cannot meet even these minimal requirements, however narrow the margin of failure may happen to be in any given case.

Students will be held absolutely accountable for their performance at the Law School. It is thus incumbent upon all students to arrange their study habits and personal affairs in such a way as to maximize academic performance. When it appears that this performance will be adversely affected by extraordinary personal circumstances beyond the student's control, it is the responsibility of the student to determine this and to take such steps as are necessary to obviate the difficulty before it results in academic failure.

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.

1. A grade average for any individual semester after the first semester of the first year below 1.5.
2. A cumulative overall grade average at any time after the first semester of the first year of less than 2.0.

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 two point zero (2.0) 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 two point zero (2.0) 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.

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 such time as the student's grades for the probationary semester have been so 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 the provisions of RULE 1. A student who is required to withdraw under the provisions of 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 1.5) 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 the 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. What the student plans to do to remedy these problems; and

- c. If the student is seeking a waiver of the waiting period (§3 below), an explanation of the hardship that would occur if the student were required to comply with the waiting period.
2. In passing on petitions for readmission, the Associate Dean for Academic Affairs shall consider the student's aptitude for the practice of law as reflected in the student's entire record. The Associate Dean shall not grant a petition for readmission unless the Dean finds that there is a high probability that the student will succeed on readmission.
3. Unless waived by the Associate Dean for Academic Affairs because of financial or personal hardship, petitions for readmission will not be granted until the student has complied with the following waiting periods: In the case of students dismissed at the end of the first year, the waiting period is two semesters. For other students, the waiting period is one semester.
4. A student who discontinues his/her legal education without approval of a petition for withdrawal shall be treated as being dismissed because of failure to meet academic requirements. Failure to seek permission for withdrawal shall be a negative factor in any petition for readmission.
5. Readmission shall be on such terms and conditions as may be set by the Associate Dean for Academic Affairs. Provided, however, that if a student is dismissed at the end of the first year and the student's grade point average is less than 1.80 (or the student has 50% or more exam performances less than C), the student may not be readmitted to the second year class but must instead repeat the first year. For students whose grade point average is between 1.80 and 1.99, the Associate Dean has discretion to readmit the student to the second year or require the student to repeat the first year. Students who are readmitted shall be on academic probation until the end of the second semester following readmission. Any readmitted student who does not comply with the requirements of §V, Rule 1, at the end of the probationary period shall be dismissed from School.
6. Neither the Associate Dean for Academic Affairs nor the Admissions Committee will entertain a petition for readmission from any student who has been readmitted after an academic dismissal and then dismissed for a second time. For purposes of this rule dismissal or suspension as a result of a violation of the Rule of Academic Responsibility shall be considered to be for failure to meet academic requirements. A student twice dismissed for failure to meet academic requirements may petition the faculty for readmission. The faculty will consider the petition only if two thirds of the faculty members voting vote to hear the petition. If the faculty hears the petition, the student will be readmitted only if two thirds of the faculty members voting vote to grant the petition.
7. Appeals from decisions of the Associate Dean for Academic Affairs on readmission petitions may be taken to the Academic Responsibility Committee. The standard of review is whether the decision of the Associate Dean is clearly erroneous. The Committee's decision is non-reviewable.

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 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."
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 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 from Law School

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

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

Readmission After Withdrawal

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

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.