

# STUDENT/FACULTY RELATIONS

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## A. Student-Faculty Compact

By maintaining an environment conducive to quality study and instruction, the students and faculty of the University of South Carolina Joseph F. Rice School of Law agree to foster an appreciation of an abiding interest in the law.

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

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

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

### Statement of Policy

At the beginning of each term, instructional staff members shall state clearly in a syllabus the instructional objectives of each course they teach. They shall seek to fulfill these objectives and give examinations consistent with them. Instructional staff members shall follow the course descriptions published in the university Undergraduate Studies Bulletin and Graduate Studies Bulletin.

Instructional staff members shall inform their students about how they determine final grades and any attendance requirements that differ from the university attendance policy. At the request of a student, a faculty member should provide, before the free drop date, an evaluation of the student's progress.

Instructional staff members shall retain final examinations for one semester and should review graded examinations and papers with their students, if the students desire. They should grade and return examinations promptly.

Instructional staff members should meet their classes regularly at scheduled times. If unable to meet their classes, they shall notify the dean or department chair.

Instructional staff members should post a reasonable number of convenient office hours, as determined administratively, with the option of appointments.

Instructional staff members responsible for academic advising should be in their offices at specified hours during registration.

## C. Classroom Computer Usage

### Policy

1. Unless otherwise prohibited by a course instructor in accordance with this policy, students may use laptop computers in class for the purpose of taking notes and for such other purposes related to the course as are consistent with the educational function of the classroom. A course instructor may allow any use of computers in class that the professor deems appropriate.
2. When computers or other electronic devices are used in the classroom, all sound should be turned off unless specifically permitted by the course instructor.
3. Students using computers or other electronic devices during class may not work on matters unrelated to the class. It is expected that students will not use the Internet during class except as permitted by the course instructor in a manner consistent with the purposes of the class. A course instructor may impose sanctions upon a student who does not comply with this policy, including barring the offending student from further use of the computer or other electronic device in class or imposing an appropriate grade reduction.
4. Individual course instructors may impose additional limitations on or prohibit all use of computers or other electronic devices in the classroom.

## D. Grading

### 1. Anonymous Examination Grading Policy.

1. 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
2. Student Responsibility: It is the student's responsibility to ask their course 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.

### First-Year Grade Distribution Policy

1. With the exception of Legal Research, Analysis and Writing I and II and Introduction to the Legal Profession, the average grade in all first-year courses shall fall within the range of 2.900-3.100. In extraordinary circumstances, the Associate Dean for Academic Affairs may grant a faculty member's request for an exception to this policy where the average grade for a 1L course falls below 2.900; if the exception to this policy is sought by the Associate Dean for Academic Affairs, the Dean shall make the decision as to whether to grant the Associate Dean's request for an exception.
  - a. The average grade for Legal Research, Analysis and Writing I & II shall fall within the range of 2.950-3.150. In extraordinary circumstances, the Associate Dean for Academic Affairs may grant a faculty member's request for an exception to this policy where the average grade for a 1L course falls below 2.950; if the exception to this policy is sought by the Associate Dean for Academic Affairs, the Dean shall make the decision as to whether to grant the Associate Dean's request for an exception.

## Upper-Level Grade Distribution Policy.

### 1. Grade Normalization Structure

- a. Standard Normalization: Standard letter grades are assigned. The overall GPA for an individual class must be normalized (curved) to within  $\pm 0.25$  of that individual class's entering GPA;
- b. Expanded Normalization: Standard letter grades are assigned. The overall GPA for an individual class must be normalized (curved) to within  $\pm 0.40$  of that individual class's entering GPA;
- c. No Normalization: Standard letter grades are assigned. The overall GPA for an individual class need not be normalized (curved).
- d. High Pass/Pass/Low Pass/Fail: Student performance shall be assessed as either
  - i. High Pass, which is equivalent to an A level of performance;
  - ii. Pass, which is equivalent to a B level of performance;
  - iii. Low Pass, which is equivalent to a C level of performance; or
  - iv. Fail, which is equivalent to D or F levels of performance.

Note: Absent special circumstances that are determined by the Associate Dean for Academic Affairs, no more than 50% of the students in a class should receive a High Pass.

v. Pass/Fail

vi. Entering GPA defined. For a class offered at the law school in a semester or term, the entering GPA of the class is the [cumulative/average] GPA of the students taking that class in that semester or term.

There is a strong presumption in favor of Standard Normalization. Faculty may appeal the application of this policy to the faculty or Curriculum Committee, with the right to appeal that decision to the Associate Dean, who shall grant an exception only upon a substantial showing of exceptional circumstances. Examples of exceptional circumstances could include a paper course in which a significant proportion of the students have demonstrated through written assignments over the semester that their final papers will merit an A grade or a course with only thirteen students who are all performing at a high level. Any such appeal must be submitted to the faculty or Curriculum Committee no later than the last class or 48 hours after receiving the normalization range, whichever is later. In granting any extraordinary appeal, the faculty or Curriculum Committee shall, in their discretion, direct the faculty member to apply Expanded Normalization or No Normalization. The effect of any granted appeal is limited to the semester in which it was granted.

### 2. Applicability

- a. Standard Normalization. Unless otherwise stated in this policy, *all instructors and faculty* shall apply Standard Normalization in *all classes with enrollments over twelve students*.
- b. Expanded Normalization. Shall apply to courses in which students receive substantial feedback on at least three instances of performance. The substantial feedback must occur over the course of the semester—whether the feedback is given on a series of assignments or on a single assignment. The professor must provide the substantial feedback prior to the next instance of student performance. After the first instance of performance, students must be required to respond to the substantial feedback that was already given on their previous performance. Additionally, the substantial feedback must objectively assess student performance based on a rigorous,

methodical grading criteria. Whether Expanded Normalization applies to a particular course can be determined through a faculty vote, the approval of the Curriculum Committee, or approval of the Associate Dean, upon a substantial showing that the course meets this description. A denial by the Curriculum Committee or faculty may be appealed to the Academic Dean. Once granted, Expanded Normalization shall apply to all subsequent offerings of that course by that professor that continue to meet the criteria set forth herein.

- c. No Normalization. Shall apply to classes that, in addition to meeting the criteria for Expanded Normalization, also provide substantial lawyering experience that involves advising or representing one or more actual clients. In addition, Supervised Legal Research projects are not subject to normalization and may be assessed via letter grade or via traditional Pass/Fail as set forth in the Student Handbook Policy on Pass/Fail Grading.
- d. High Pass/Pass/Low Pass/Fail. Shall apply to externships.
- e. Pass/Fail. Shall apply to reading groups, Legal Analysis Workshop, Introduction to the Legal Profession, Lawyers as Leaders, Legal Practice Workshop, and SLRs taken Pass/Fail. The Faculty reserves the right to modify the Grade Distribution Policy and apply the modified Policy to students then enrolled in the Law School.

### Submission and Posting of Grades.

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

*Fall Grades:* All grades are due on 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. However, the Dean has discretion to set a date for the 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 student information system the day after they are received in the Office of the Registrar/Academic Services.

### 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.

### Class Ranks.

Class ranks are computed twice yearly, and available for distribution on March 1 and August 1. Class ranks are calculated based on grades submitted when semester grades are due (see § VIII.D.3). Class ranks are not calculated after summer grades have been submitted. Summer grades are included when calculating Fall semester class ranks. Students can obtain their individual class ranks by making a written request to the Office of the Registrar/Academic Services on a form provided by that office.

### Criteria for Academic Honors.

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

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

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

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

## E. Student Evaluations of Faculty

Each semester, students are asked to fill out an evaluation form for each of their course instructors. The results of these evaluations are used by the Dean in setting salaries, by the Tenured Faculty in making promotion and tenure decisions, and by course instructors in improving their teaching. Considering the importance of these evaluations, the students are expected to provide honest and constructive feedback in a professional manner.

## F. Student Grievance Procedures

The following procedures apply to all student complaints and grievances of an academic nature, excluding grade changes (See § VIII.D.4):

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

written decision thereon; such decision shall contain a finding of facts, the Committee's reason for granting or denying the grievance, and an indication of the appropriate remedy. Copies of the decision shall be given to all parties.

4. Decisions of the Committee shall be subject to approval, disapproval, or modification by the Law School faculty. Such review shall be limited to the record as developed below and the decision of the Committee shall not be disapproved or modified unless it is found to be clearly erroneous. The decision by the faculty is not reviewable.
5. The time periods described herein shall be calculated based on "regular school days," which include days on which classes are scheduled and the final examination period. All times specified under the various provisions of this procedure shall not be extended, and the failure to exercise any right provided for herein within the time specified shall be deemed a waiver of such right.

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

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

## H. Notification of Student Rights Under FERPA

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

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to registrar, dean head of academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place when the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records if the student believes them inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University of South Carolina will disclose information from a student's education records only with the written consent of the student, except:

- a. To school officials with legitimate educational interests;  
A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agency); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.  
A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- b. To officials of other institutions in which the student seeks or intends to enroll provided that the student has previously requested a release of his/her record;
- c. To authorized representatives of the U.S. Department of Education, the Comptroller General of the United States, state educational authorities, organizations conducting studies for or on behalf of the University, and accrediting organizations;
- d. In connection with a student's application for, and receipt of, financial aid;
- e. To comply with a judicial order or lawfully issued subpoena;
- f. To parents of dependent students as defined by the Internal Revenue Code, Section 152;
- g. To appropriate parties in a health or safety emergency; or
- h. To the alleged victim of any crime of violence or the results of any disciplinary proceedings conducted by the University.
- i. The University may disclose the result of a disciplinary proceeding to a parent or guardian so long as the student is under the age of 21 at the time of the incident and the proceeding has resulted in a violation of University drug or alcohol policies, or any federal, state, or local law.
- j. To students currently registered in a particular class, the names and email addresses of others on the roster may be disclosed in order to participate in class discussion.

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

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

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

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

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

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