

REPORT OF COMMITTEE ON ACADEMIC RESPONSIBILITY

Agenda Item: Faculty Senate consideration and approval of proposed changes to the current Rules of Academic Responsibility and Academic Disciplinary Procedures as applied in the School of Law.

The School of Law submits the following matters for Committee consideration (additions to existing rule are underlined; deletions are struck through):

I. Amend the Rule of Academic Responsibility as applied to students enrolled in the School of Law to read as follows.

It is the responsibility of every student at the University of South Carolina School of Law to adhere steadfastly to truthfulness and to avoid dishonesty, fraud, or deceit of any type in connection with any academic program. Any student who violates this rule; ~~or~~ who knowingly assists another to violate this rule; who has information sufficient to create a reasonable belief that another person has violated the rule, but fails to report the violation; or who refuses to testify as to unprivileged matters before the Academic Responsibility Committee shall be subject to discipline.

1. [no change]

2. An academic program includes any graduate and undergraduate course, independent study or research for academic credit, laboratory, internship, externship, clinical program, practicum, field placement, competition, or other form of study or work offered in furtherance of the academic mission of the University. Academic work includes any work performed or assigned to be performed in connection with any academic program.

3. [no change]

4. [no change]

5. [no change]

II. Amend the Academic Disciplinary Procedures (Carolina Community 1996-97 at p. 66) as applied to matters arising in the School of Law.

(a) Amend Rule A(2) as follows:

A(2) Report by Persons Other than Instructor. Any person other than the instructor who reasonably believes that a student may have violated the Rule ~~should~~ must report

the facts giving rise to that belief to the instructor of the academic program in which the violation allegedly occurred.

(b) Delete Rule F(1)(c) and substitute new Rule C(5)(e):

C(5) Referral of Allegations to College Committee

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e. No College Committee 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 College Committee should be recused for partiality, the accused student must notify the Appropriate 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. The decision of the Appropriate Dean shall not be immediately appealable. If a member is removed or unable to serve, the Appropriate Dean may appoint another person as a substitute member of the College Committee.

(c) Delete Rules B(1) and B(2) and substitute new Rules (B)1 and (B)2:

B. Disposition of Matter Upon Admission of Violation

1. Admission of Violation: An accused student may, at any time, admit a violation of the Rule by providing to the ~~instructor or the~~ Appropriate Dean a written statement admitting the allegation or allegations. If an investigator has not been appointed under Section C(1) prior to the Admission of a Violation under this Section, the Appropriate Dean shall promptly appoint an investigator to conduct a sufficient investigation to determine any additional facts relevant to the Admission and to the imposition of an appropriate sanction. If a Presenting Party has not been appointed under Section C(5) prior to the Admission of a Violation under this Section, the Appropriate Dean shall promptly appoint a Presenting Party to carry out the responsibilities set forth in Section B(2) and C(10). The matter shall thereafter be handled as provided in Section B(2).

2. Consent to Sanction:

(a) An accused student who admits, under Section B(1), that a violation has occurred may also consent in writing to a specific sanction recommended by the ~~instructor in the academic program in which the alleged violation occurred~~ Presenting Party. The sanction must be one of the sanctions permitted under Section D of these Procedures.

~~The Instructor shall promptly deliver to the Appropriate Dean the student's written admission of a violation and written consent to a recommended sanction. The Presenting Party shall then present the student's written Consent to Sanction, along with a report on the relevant circumstances of the violation, to the Appropriate Dean, to a faculty member of the College Committee designated by the Committee to consider the Consent to Sanction, and to the Chair of the School of Law Honor Council. If the Consent to Sanction is approved without modification by each of these persons, the sanction shall be imposed without further proceedings. If any of the persons named above does not agree with the sanction proposed, the Consent to Sanction and accompanying Admission of Violation shall be withdrawn and not used against the student in any further proceedings.~~

~~The Appropriate Dean shall then inform the Chair of the school or college Academic Responsibility Committee (the "College Committee") of the nature of the allegations, of the admission of a violation, and of the recommended sanction. The Chair of the College Committee shall either approve the imposition of the recommended sanction or convene the College Committee within ten days, at which time the College Committee must either impose the recommended sanction without modification or schedule a hearing for the sole purpose of determining an appropriate sanction, which may be greater or lesser than the sanction recommended by the Appropriate Dean.~~

(b) If the accused student admits, under Section B(1), that a violation has occurred, but there is no agreement between the accused student and the ~~instructor~~ Presenting Party as to a recommended sanction, the Appropriate Dean shall convene the College Committee to hear the matter, not less than 5 days nor more than 15 days later for the sole purpose of determining the appropriate sanction.

(c) ~~At a hearing under this Section B(12) to determine an appropriate sanction shall be conducted as provided in Section C(10). , the accused student shall be given the opportunity to present relevant evidence in mitigation of the violation, and t~~ The College Committee may consider all such other relevant evidence or testimony as the College Committee may deem appropriate. The Appropriate Dean shall notify the College Committee of any prior violations of the Rule by the accused student. No member of the College Committee who considered a Consent to Sanction withdrawn under Section B(2) shall participate in subsequent proceedings on the same matter.

(d) At the conclusion of any matter in which a violation is admitted, the Appropriate Dean shall notify the Office of Student Development of the offense and sanction imposed.

Committee on Academic Responsibility

Minutes of meeting held May 27, 1997 at 10:00 a.m. in Room A of the Faculty House, USC Campus. Those present were Dorothy Disterheft, Kenneth Gaines, Pierce Liles, and Mladen Milicevic. Professor Robert Wilcox from the Law School attended to explain an item on the agenda.

1. Introductions by the Chair

2. Consideration and request for approval of proposed changes to the current Rules of Academic Responsibility and Academic Disciplinary Procedures as applied in the School of Law. Professor Wilcox, the Law School's representative, provided a history of Law School Honor Code. He then provided a detailed explanation as to why the Law School proposes amendments to the University Rules of Academic Responsibility applicable to the Law School only. The proposed amendments along with a copy of a letter from Professor Wilcox, summarizing the reasons for the proposed amendments, were previously distributed to each Committee member before the meeting.

The proposed amendments were discussed, and Professor Wilcox answered questions put to him by Committee members regarding the proposed amendments.

It was Professor Wilcox's opinion, and the Committee concurred, that the amendments would have to next be submitted for approval by the Faculty Senate especially since they are harsher than the current University Rules.

The Committee then voted unanimously to submit the proposed amendments to the Faculty Senate for its approval.

3. There being no further business pending before the Committee, the meeting was adjourned.

Professor Kenneth W. Gaines, Chair
Committee on Academic Responsibility

cc: file

All Committee members for their approval via E-Mail