

FINAL REPORT

2004-2005

COMMITTEE ON ACADEMIC RESPONSIBILITY

[1] Membership

Elected

Patrick Flynn	Law	(2005)	
Kenneth Gaines	Law	(2005)	
Janice Bacon	Medicine	(2006)	
Duncan Buell	Engineering	(2007)	
Venkat Lakshmi	Geology	(2007)	Chairman

Appointed

Mark McLawhorn	
Kelly Cavanaugh	(Undergraduate Student)
Mary "Birdget" Livingston	(Undergraduate Student)
Joel Nelson	(Graduate Student)
	(Graduate Student)

[2] Matter that concerned the committee this year

A student (henceforth referred to as Mr. XXX to protect privacy) was suspended from the College of YYY in 2002 due to academic irregularity (cheating on an exam). His case was never appealed to the Committee on Academic Responsibility within the time frame (10 working days) from the date of the decision by the College Committee on Academic Responsibility. This committee was approached by the Faculty Senate Chair, Dr. Jim Augustine to study the petition by Mr. XXX regarding re-opening of the case. The student's argument was that he was unaware that he had the option to appeal to the University Academic Responsibility Committee at that time and learnt of the process after the time had passed. Prior to begin a hearing of Mr. XXX's petition, we consulted with the Office of the General Counsel of the University of South Carolina on November 10, 2004 if we had any jurisdiction on the case. We were informed by the Office of the General Counsel (through a memo from George W. Lampl, III Associate General Counsel) on January 18, 2005, in the following letter (in italics) that we could not proceed to consider the Mr. XXX's petition:

"You have asked this office to provide you with an opinion in connection with the University's Academic Responsibility Policy, STAF 6.25. As I understand it, your question is as follows: Does the University Committee on Academic Responsibility have jurisdiction to consider an appeal if the appeal is untimely under STAF 6.25?"

STAF 6.25(E)(4) provides in pertinent part, "A party appealing the decision rendered or sanction imposed by a College Committee must notify the Chair of the University Committee on Academic Responsibility in writing not later than ten (10) work days after the written findings of fact and conclusions are sent to the party appealing." The foregoing language establishes a ten-day time period within which a party that wishes to appeal a decision or sanction of a College Committee must submit a written notice of appeal to the University Committee in order to obtain a review. Compliance with this procedure is jurisdictional in that STAF 6.25 does not authorize the University Committee to exercise its discretion and assert jurisdiction over an untimely appeal. Therefore, if a party that wishes to appeal a decision rendered by a College Committee fails to notify the Chair of the University Committee in writing within ten work days after the College Committee sends its written findings of fact and conclusions to the party that wishes to appeal, then the University Committee lacks jurisdiction to consider the appeal."

On January 24, 2005, we communicated this decision to Mr. XXX that our committee had no jurisdiction in the case. A letter (below) was sent to Mr. XXX.

"The University committee on Academic Responsibility considered your petition to our committee regarding hearing of your appeal of your expulsion from the University

Since this matter was not petitioned within the 10 working days after the College action we turned to the Office of General Counsel for legal guidance.

The Office of the General Counsel has ruled that we (Academic Responsibility Committee) do not have jurisdiction to hear your appeal.

I have attached the copy of the memo from the office of the University General Counsel authored by Mr George W. Lampl, Associate General Counsel.

In this view, we in the Academic Responsibility Committee consider the case closed."

[3] Chair of the Committee for Academic Responsibility for 2005-2006

Dr. Venkat Lakshmi has volunteered to remain as Chair of the Committee on Academic Responsibility for the 2005-2006 Academic Year.