

The statement of student rights and responsibilities was passed by the Student Senate, the Faculty Senate, and approved by the Board of Trustees of the University.

#### 1. GENERAL UNDERSTANDINGS

1. The statement in no way intends to abrogate the legal powers invested in the Board of Trustees under American corporate law and the laws of the State of South Carolina.
2. The statement is recognized as a statement of principles only and that the interpretation of the statement, its principles, and procedures is a continuing joint process.
3. The implementation of the joint statement must be in harmony with our stated educational purposes and must be worked out in a number of subsidiary implementing documents.
4. The statement is clearly understood as not giving complete autonomy to any sector of the academic community but promotes a community approach to those problems which are of proper concern to the university as a whole.

### **SECTION I: FREEDOM OF ACCESS TO HIGHER EDUCATION**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment

and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facts of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community.

The university has a duty to develop policies and procedures that provide and safeguard this freedom. Such policies and procedures should be developed within the framework of general standards with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

The admissions policies of the university are a matter of institutional choice provided that the university makes clear the characteristics and expectations of the students that it considers relevant to success in the institutional program. Under no circumstances should a student be barred from admission on the basis of race, creed, sex, handicap, religion, ancestry, national origin, genetics, sexual orientation or veteran status. Thus, within the limits of its facilities, the university should be open to all students who are qualified according to its admission standards.

## IN THE CLASSROOM

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not opinions or conduct in matters unrelated to academic standards.

## PROTECTION OF FREEDOM OF EXPRESSION

Students should be free to take reasoned exceptions to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

## PROTECTION AGAINST IMPROPER ACADEMIC EVALUATION

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

## PROTECTION AGAINST IMPROPER DISCLOSURE

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisors, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

## **SECTION II: 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 the registrar, dean, head of the 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 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 or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write 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 an attorney, auditor, 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 educational 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 had previously requested a release of his/her record;

**C.** To authorized representatives of the U.S. Department of Education, U.S. Department of Defense (Solomon Amendment), U.S. Attorney General, INS, the Comptroller General of the United States, state education 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 e-mail 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, identification card photograph, semesters of attendance, enrollment status (full- or part-time), date of admission, date of expected or actual 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.

3. 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 listed in the printed 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. 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 release of academic information may be directed to the Office of Admissions, Records, and Financial Aid at 803-313-7073.

### **Appeals**

An appropriate hearing board will provide each student with an opportunity to challenge the content of University records, to ensure that the records are not inaccurate or misleading, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data contained therein. Such requests should be made through the Scholastic Standards and Petitions Committee of the individual colleges.