

# UNIVERSITY POLICIES

## Discrimination, Harassment, and Retaliation\*

Francis Marion University does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, or veteran status in its programs and activities. The following person has been designated to handle inquiries regarding discrimination, harassment, and/or retaliatory complaints regarding harassment.

Vice President for Administration  
P.O. Box 100547  
Florence, S.C. 29502-0547  
105 Stokes Administration Building  
Tel. No. 843-661-1146

Harassment is unwelcome offensive conduct, written, verbal, or physical, that occurs when a reasonable person would find that such conduct creates an intimidating, hostile, or offensive educational, work, or living environment. A hostile environment is created when speech and/or actions are so severe, persistent, or pervasive as to limit or deny one's ability to participate in or benefit from an activity or educational program.

The University procedures are intended to protect the rights of both the complainant and the accused, protect privacy, and prevent retaliation. Unwelcome behavior that may be construed as discrimination or harassment should be reported. However, intentionally false allegations will not be tolerated and may result in sanctions. The University is obligated to investigate any reports of discrimination or harassment and will consider action as warranted.

No one may be subject to restraint, interference, coercion, reprisal, or retaliation for seeking information about discrimination or harassment, bringing a good faith complaint, or serving as a witness.

This policy is not intended to infringe on the rights of members of the faculty to exercise academic freedom within the framework of the teaching and learning environment of the University.

## Hazing Policy

As noted above in Standard of Conduct 18, the University will take action against any club or organization which has committed an act of hazing as defined by the code. In addition, such organizations and their individual members face criminal prosecution under the laws of the state of South Carolina. Below is a description of the law under which such action may be taken.

According to South Carolina law: "It is unlawful for any person to intentionally or recklessly engage in acts which have a foreseeable potential for causing physical harm to any person for the purpose of initiation or admission into or affiliation with any chartered student, fraternal, or sororal chartered organization. Fraternity, sorority, or other organization for the purposes of this section means those chartered fraternities, sororities, or other organizations operating in connection with a school, college, or university, but

shall not include fraternal organizations with a minimum age limit of 21 that do not operate in connection with a school, college, or university. This section does not include customary athletic events or similar contests or competitions, or military training whether state, federal, or educational." It is also unlawful for any person to knowingly permit or assist any person in committing acts made unlawful by the above or to fail to report promptly any information within his/her knowledge of acts made unlawful by the above to the chief executive officer of the appropriate school, college, or university.

The implied or express consent of a person to acts which violate the above does not constitute a defense to violations of these sections.

Any violator of the law is subject to criminal conviction and may be fined, jailed, or both.

## Grade Change Policy

If a mistake was made in calculating or recording a term grade, the instructor of the course may change the grade. A change of grade may occur only within one calendar year from the receipt of the grade.

1. A faculty member seeking to change a student's term grade because of a mistake must request the change on the appropriate form, which may be obtained from the Office of the Registrar.
2. The department chairperson or dean shall approve or disapprove change of grade requests. If approved, the requests will be sent to the Registrar with instructions to make the necessary corrections on the official record.

If a student wishes to appeal a grade in a course, he/ she has the right to do so. In order to appeal a grade, the student must follow the grade appeals process listed below (for more information, see *the University Catalog*).

## GRADE APPEALS POLICY

### Grade Appeals Committee

**MEMBERSHIP:** The Grade Appeals Committee will consist of five faculty members to be elected by the faculty at large. The committee will elect the chair.

**FUNCTION:** The committee will hear final course grade appeals not resolved at the level of the academic unit.

**GROUNDS FOR APPEAL:** Unless the faculty member has acted in an arbitrary or capricious manner in the assignment of the final course grade in question or unless the instructor's grading policy is in violation of the guidelines established by the University or his/her own policies as noted in the syllabus or other written documents, it is the right of the instructor to determine whether or not the final course grade should be changed.

**PROCEDURES:** The committee will meet as necessary, and is called by the Committee Chair. Appeals for grade changes may not be made after 60 days from the date the grade was given. The

\*The FRANCIS MARION UNIVERSITY SEXUAL MISCONDUCT (TITLE IX) POLICIES AND PROCEDURES, adopted August 14, 2015, supersedes all statements in this handbook concerning discrimination, harassment, sexual misconduct, and retaliation. The final edition of 2015-16 FMU Student Handbook, to be posted by Sept. 6, will incorporate all changes necessitated by the new policy.

following procedures will be followed:

1. The student will first attempt to resolve the issue by consulting with the instructor.
2. If the issue is unresolved after consultation with the instructor, the student will then consult with the department chair/school dean to attempt a resolution.
3. If the matter is not resolved after consultation with the instructor and the chair/dean, then the student may petition the chair/dean who will forward the matter to the Grade Appeals Committee. The petition must include the following items: a completed petition form signed by the instructor of the course (unless the instructor is no longer a member of the Francis Marion University faculty), the student's adviser, and the chair/dean of the academic unit that offered the course; a letter explaining the basis for the grade appeal; and if applicable, supporting documents and a list of any other evidence to be presented. The student's argument will be limited to statements from the student and the evidence delineated in the petition.
4. Upon receipt of a completed grade appeal petition, the chair of the Grade Appeals Committee will promptly inform the faculty member, the appropriate department chair/school dean, and the Provost. The committee chair will also make available to the faculty member a copy of the petition and the supporting documentation.
5. The Grade Appeals Committee, upon receipt of a student's grade appeal petition, might seek additional information and advice, as it deems necessary. In some cases, the committee may conduct a hearing, as when the student, faculty member, or committee members might ask for one. Because this hearing is for informational purposes only, it should not replicate judicial proceedings. No legal counsel shall be permitted to appear.
6. Within ten workdays after a decision, the Chair of the Grade Appeals Committee will notify the student, the faculty member, the appropriate department chair/school dean, and the Provost of the committee's findings and recommendations. If the Grade Appeals Committee, through its inquiries and deliberations, determines that the grade should be changed, it will request that the instructor makes the change, providing the instructor with a written explanation of its reasons. Should the instructor decline, he or she will provide an explanation for refusing.
7. If after considering the instructor's explanation the Grade Appeals Committee concludes that it would be unjust to allow the original grade to stand, the Committee may then recommend to the appropriate department chair/school dean that the grade be changed. The chair/dean in consultation with the instructor will assign the appropriate grade. Only the chair/dean, upon the written recommendation of the Grade Appeals Committee, has the authority to effect a change in grade over the objection of the instructor who assigned the grade.

Petition forms for filing a grade appeal are available at the offices of academic department chairpersons.

## English Language Proficiency

English has been designated the primary language of all faculty

members at Francis Marion University since fall 1991. "Primary" language is defined as written and spoken English comparable to that of a native speaker. If the University considers employing on its full-time teaching faculty a candidate whose second language is English, that candidate will:

1. Give a lecture in his/her discipline in English to students and faculty who will assess the candidate's fluency in English on the basis of being able to comprehend fully the content of the lecture.
2. Submit a letter of interest and, when applicable, additional samples of written work.

The English Fluency in Higher Education Act of the South Carolina General Assembly requires that each public institution provides assurance that there exists an adequate procedure for students to report grievances concerning the inability of instructors to be understood in their spoken or written English. At FMU, students should state such a grievance in a scheduled meeting with the chairperson of the department or dean of the school involved.

The department chairperson or school dean will then arrange for a meeting among the chairperson or dean, the grieving student(s), and the instructor. It is the responsibility of the chairperson or dean to find a satisfactory resolution to the grievance and to report the resolution to the Provost.

## Demonstrations Policy

Recognizing the rights of free speech and peaceful assembly as guaranteed by the First Amendment of the United States Constitution, and as fundamental to the democratic process, the University supports the rights of students to express their views or to peacefully protest and peacefully dissent against actions and opinions with which they disagree.

The University also recognizes a concurrent obligation to develop policies and procedures which safeguard this freedom of expression but which, at the same time, will maintain on the campus an atmosphere conducive to academic work, preserving the dignity and seriousness of University ceremonies and public exercises and respecting the private rights of all individuals. Thus, the University has established regulations intended to regulate the time, place and manner of such activities in compliance with the constitution in order that demonstrations do not prohibit the freedoms or rights of other members of the University community.

The following regulations are intended to enumerate the essential provisions necessary to reconcile freedom of assembly with responsibility in any campus meeting conducted for the purpose of expressing opinions of the participants.

1. Gatherings should be reviewed by the vice president for Student Affairs and the University Space Committee to ensure that they comply with all time, space and manner regulations.
2. Gatherings may be conducted in areas which are generally available to the public, provided that such gatherings:
  - a. Are conducted in an orderly and peaceful manner.
  - b. Do not obstruct in any way pedestrian or vehicular traffic.
  - c. Do not interfere with classes, scheduled meetings, events, ceremonies or with other essential processes of the University.
  - d. Are held in assigned meeting rooms inside a building.
3. Meetings which would impose an unusual demand upon staff