

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.

Intellectual Property Policy

Francis Marion University supports the development,

production, and dissemination of Intellectual Property, including copyrights, patents, trademarks, and any intellectual creation by its faculty, staff, and, if significantly involved in the creation of Intellectual Property, its enrolled students. Furthermore, the University seeks to encourage and reward creativity and innovation while still retaining for the University, when appropriate, reasonable access to, and use of, the Intellectual Property for whose creation the University has provided assistance.

Francis Marion University, faculty, and staff acknowledge that the mutual obligations of trust, good will, equity, and fair dealing are indispensable foundations and the guiding principles of this policy.

The creator/inventor of Intellectual Property must play the active role in any process to license and protect Intellectual Property. The creator/inventor assumes the responsibility of complying with all processes involved with the licensing and protection of Intellectual Property consistent with State and Federal laws, State and Federal conflict of interest regulations, as well as University policy. Nothing set forth in this policy shifts this obligation from the faculty member, staff member, or student to the University.

It is the intent of the University that each faculty member, staff member, or student shall be the copyright owner of works created by the individual and at the individual's own initiative for academic purposes. These works would include, but not be limited to, scholarly works, class notes, class syllabi, books, articles, literary compositions of any discipline, artistic works, scientific works, dance, sculpture, visual arts, audiovisual works including any interactive or educational programs, sound recordings, as well as courseware development for distance education programs. Revenue derived from Intellectual Property owned by individuals belongs to the individuals.

Clarification of ownership and/or rights to Intellectual Property may be necessary. The University, faculty, staff, and/or students may enter into a memorandum of agreement regarding Intellectual Property rights at any time. If the Intellectual Property is commissioned by the University or one of its components pursuant to a signed contract or is created as a specific requirement of employment or as an assigned duty by the University, the Intellectual Property is owned by the University unless prior agreement has been made otherwise. Revenue derived from Intellectual Property owned by the University is credited to the University's general funds.

Intellectual Property that results from substantial use of University resources or facilities may create a joint ownership of the Intellectual Property between the University and the individuals who contribute to the creation of the Intellectual Property. The University and the individuals may agree to such an arrangement in writing.

Any disagreements, conflicts, and/or special requests for development of Intellectual Property shall be submitted to the Provost for further action as may be deemed necessary.

The Faculty Life Committee shall have general oversight of Intellectual Property issues. At the request of the Provost, the Committee shall review any matters relating to disagreements, conflicts, and/or special requests for development of Intellectual Property. The Committee shall make determinations and recommendations to be transmitted to the Provost. Further, the Committee shall review on a regular and ongoing basis University