South Carolina
Commission on Higher Education

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Agenda Item 9

September 3, 2009

MEMORANDUM

To: Dr. Bettie Rose Horne, Chair, and Members, Committee on Academic Affairs and Licensing

From: Dr. Gail M. Morrison, Director, Academic Affairs and Licensing

Consideration of Annual Report on Compliance with the English Fluency Act in Higher Education, FY 2008-2009

Background

In 1991 the General Assembly passed the English Fluency in Higher Education Act (SECTION 59-103-160 of the SC code of Laws of 1976, as amended). This Act required each public higher education institution to submit to the Commission a compliance plan developed to meet the requirement that the institution ensures that its faculty members can communicate effectively even when English is not their first language.

Section (C)(2) of the Act requires that each institution submit as part of its compliance plan an assurance that an *adequate procedure exists for students to report grievances concerning the inability of instructors to be understood in their spoken or written English.* In Section (D)(2), the Act further requires that each institution must report annually the number of grievances filed by students under the provisions of (C)(2) and the disposition of those grievances.

On November 3, 1994, the Commission on Higher Education required that each institution of public higher education in South Carolina publish a clear, complete summary of the institution's policy on English Fluency in Higher Education *either* in both the catalog and student handbook *or* in the Academic Section and the Student Affairs Section (for institutions with a unified publication) of the unified publication on campus policies.

At its meeting on November 2, 1995, the Commission further required that all institutions must demonstrate each reporting year (i.e., in this case, the period beginning July 1, 2007, and ending with the conclusion of the Spring Semester 2008) that they are fully in compliance with the requirements regarding publication of the law's provisions in the Catalog and Student Handbook.

In order to assess the institutions' on-going compliance with this Act and to ensure that there is an annual accounting of any grievances covered by the Act, Commission staff conducts an annual survey of the institutions' compliance, policies, and grievances.

Discussion

All institutions of public higher education submitted their reports to the Commission on Higher Education by June 15, 2009, for the recently completed academic year of 2008-2009. The data submitted in those reports show that all but one of the State's 33 public institutions are fully in compliance with the publication of the required student information under the law and Commission policy. The institution not in compliance (Coastal Carolina University) stated that the grievance procedure was inadvertently omitted from its 2008-2009 student catalog and further stated that the policy would be included in the 2009-2010 student and academic catalogs as required.

Since the passage of the English Fluency Act in Higher Education by the General Assembly in 1991, the Commission has issued seventeen annual reports (including the current one) to the chairmen of the committees in the House and Senate with jurisdiction in educational matters. In the previous sixteen reports a total of six student complaints have been documented. In the current year's reports from the institutions, as in last year's, no student grievance was reported.

The minimal use of the grievance policy by students throughout the state suggests that public institutions of higher education may have been successful in the hiring and retention of faculty who are capable of communicating well in the English language for purposes of teaching and advising students.

Recommendation

The staff recommends that the Committee on Academic Affairs and Licensing commend favorably to the Commission that this report be approved and transmitted to the appropriate chairpersons of the education committees of the General Assembly as required by Section 59-103-160 of the 1976 SC Code of Laws (as amended).