

OFFICE OF ACADEMIC AFFAIRS

POLICIES & RESOURCES

Marshall University Policies For Syllabus

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Academic Dishonesty

Introduction

As described in the Marshall University Creed, Marshall University is an “Ethical Community reflecting honesty, integrity and fairness in both academic and extracurricular activities.”

Academic dishonesty is fundamentally opposed to the goal of “assuring the integrity of the curriculum through the maintenance of rigorous standards and high expectations for student learning and performance,” as described in Marshall University’s Statement of Philosophy. As such, acts of academic dishonesty will not be tolerated.

A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by Marshall University accepts the academic requirements and criteria of the institution. It is the student’s responsibility to be aware of policies regulating academic conduct, including the definitions of academic dishonesty, the possible sanctions and the appeal process.

For the purposes of this policy, an academic exercise is defined as any assignment, whether graded or ungraded, that is given in an academic course or must be completed toward the completion of degree or certification requirements. This includes, but is not limited to: Exams, quizzes, papers, oral presentations, data gathering and analysis, practica and creative work of any kind.

Definitions of Academic Dishonesty

Below are definitions of some common types of academic dishonesty. Each instructor may modify the general definition of academic dishonesty to fit the immediate academic needs within that particular course of study, provided the instructor defines, in writing and preferably in the course syllabus, the details of any departure from the general definition.

- *Cheating*: Any action which if known to the instructor in the course of study would be prohibited. This includes:
 - The unauthorized use of any materials, notes, sources of information, study aids or tools during an academic exercise

- The unauthorized assistance of a person other than the course instructor during an academic exercise.
- The unauthorized viewing of another person's work during an academic exercise.
- The unauthorized securing of all or any part of assignments or examinations, in advance of submission by the instructor.
- *Fabrication/Falsification*: The unauthorized invention or alteration of any information, citation, data or means of verification in an academic exercise, official correspondence or a university record.
- *Plagiarism*: Submitting as one's own work or creation any material or an idea wholly or in part created by another. This includes:
 - Oral, written and graphical material.
 - Both published and unpublished work.
 - It is the student's responsibility to clearly distinguish his/her own work from that created by others. This includes the proper use of quotation marks, paraphrasing and the citation of the original source. Students are responsible for both intentional and unintentional acts of plagiarism.
- *Bribes/Favors/Threats*: Attempting to unfairly influence a course grade or the satisfaction of degree requirements through any of these actions is prohibited.
- *Complicity*: Helping or attempting to help someone commit an act of academic dishonesty.

Sanctions

Sanctions for academic dishonesty may be imposed by the instructor of the course, the department chairperson, the Academic Dean, or the Associate Provost.

Students may not withdraw from the course until all appeals are complete. The student should continue to attend class and complete all assignments during the appeals process.

The appropriate sanction(s) for an act of misconduct must be decided on a case-by-case basis as appropriate by academic discipline, teaching method, course level, and degree of misconduct. When possible, the sanction should be selected with the aim of aiding the student in understanding the seriousness of their behavior and the consequences of ethical misconduct. The faculty member may issue any of the sanctions listed below. The instructor may impose at their discretion the following should the student choose not to appeal or loses an appeal of an academic dishonesty charge.:

Undergraduate Student Sanctions

- *Warning letter*
- *Retake/Replace Assignment*: An appropriate sanction for minor violations in which the student admits culpability for a minor violation, generally poor citations, or other plagiarism without intent to defraud, is

allowing a student to retake an assignment or to make-up an assignment with different work. These assignments should have a maximum score less than that of the initial assignment.;

- *No Credit ("0") for the Assignment:* This is the recommended sanction for most minor academic dishonesty. This sanction is appropriate for collaborating on homework and/or minor plagiarism in a writing assignment. If this action affects the student's final grade, a grade of "Incomplete" should be given at the end of a semester pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.;
- *Exclusion from class activities:* When an individual student's conduct may negatively impact another student's academic performance, such as in labs or group work, the instructor may assign the identified student to work independently on any required assignments/labs. This action may be taken immediately, prior to the conclusion of the appeal.
- *Reduction of Final Course Grade/Failure of the Course:* These sanctions are recommended for most major violations of academic integrity. Such violations include cheating on a midterm or final exam, plagiarizing a term paper, or other misconduct on a major cumulative experience. A grade of "Incomplete" should be given at the end of a semester pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- *Temporary Prohibition from Retaking the Class:* A student who is appealing a charge of academic dishonesty may not retake the same course in which the charge was made, with the instructor who made the charge, until the appeal is complete, unless such a prohibition would necessarily delay the student's graduation.

Graduate Student Sanctions

- *No credit ("0") for the Assignment:* This is the recommended sanction for most minor academic dishonesty. This sanction is appropriate for collaborating on homework and/or minor plagiarism in a writing assignment. If this action affects the student's final grade, a grade of "Incomplete" should be given at the end of a semester, pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- *Reduction of the Final Course Grade/Failure of the Course:* These sanctions are recommended for major violations of academic integrity. Such violations include cheating on a midterm or final exam, plagiarizing a term paper, or other misconduct on a major cumulative experience. A grade of "Incomplete" should be given at the end of a semester, pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.
- *Temporary Prohibition from Retaking the Class:* A student who is appealing a charge of academic dishonesty may not retake the same course in which the charge was made, with the instructor who made the charge, until the appeal is complete, unless such a prohibition would necessarily delay the student's graduation.

In those cases in which the offense is particularly flagrant or where there are other aggravating circumstances, additional, non-academic, sanctions may be pursued through the Office of Student Conduct.

The instructor or responsible office must notify any student accused of an offense within five (5) instructional days of the discovery of the incident, in writing, and outline any charges and subsequent sanctions imposed for academic dishonesty. Written notification of academic dishonesty charges (and inclusion of confirmed charges/sanctions in the student's records) is designed to inform a student of the potential repercussions of repeat offenses and their rights of appeal.

Any time an accusation of academic dishonesty is made and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within five (5) instructional days of the accusation.

In addition, the Office of Academic Affairs will inform the student and the student's dean of the accusations made, the sanctions prescribed, the repercussions of repeat offenses, and their right of appeal. A copy of the report will go into the student's college file. Any subsequent action taken (additional sanctions imposed, the lessening of sanctions, the withdrawal of accusations, the result of appeals, etc.) must be reported to the Office of Academic Affairs within ten (10) instructional days of the action.

The Office of Academic Affairs will maintain a file of academic dishonesty incidents. These will be reported in summary form (no student or faculty names will be included) to the Academic Deans and the Faculty Senate at the end of each academic year.

Undergraduate Repeat Offenses

The Office of Academic Affairs will impose sanctions for repeated academic dishonesty charges after consultation with the appropriate department chairs and deans.

A student's record of academic dishonesty charges will be maintained throughout their enrollment at Marshall University. As a result of the first offense, a student can choose to be enrolled in an Academic Integrity Seminar within thirty (30) instructional days of the sanction. The first offense will be expunged from the student's record upon successful completion of the Academic integrity seminar, but a record of this offense will remain with Academic Affairs. Students who appeal the academic dishonesty charge can enroll in the seminar if the appeal is unsuccessful. Again, the student must enroll within thirty (30) instructional days of the end of the appeal. Specific information regarding the Academic Integrity Seminar can be obtained in the Office of Student Advocacy, Memorial Student Center, Room 2W40.

A student who has successfully completed the Academic Integrity Seminar, and is charged with a second offense, may not retake the seminar. This student will be placed on academic probation for a period of one calendar year. If this student is charged with a third offense, they will be suspended for a period of one academic year. If this student is charged with a fourth offense, they will be expelled from the university.

If a student elects not to complete the Academic Integrity Seminar, they will be suspended after their second offense and expelled after their third offense.

A suspension issued due to academic dishonesty must be served prior to any degree being awarded to the student.

Graduate Student Repeat Offenses

The Office of Academic Affairs will impose a sanction of expulsion for confirmed second offenses of academic dishonesty charges after consultation with the appropriate department chairs and academic deans.

A student's record of academic dishonesty charges will be maintained throughout their enrollment in graduate school at Marshall University. A graduate student may receive any available sanction for the first offense of academic dishonesty. The second confirmed offense will result in an automatic expulsion from the Graduate College.

Reporting

Any time an accusation of academic dishonesty is reported to the Office of Academic Affairs, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within five (5) days of the accusation.

Notice of an act of academic dishonesty will be reported to the Office of Academic Affairs through the completion of an "Academic Dishonesty Report Form." The "Academic Dishonesty Report Form" will include:

- Instructor's Name
- Course Information (Term, Number, Section)
- Student's Name
- Student's University Identification Number
- Brief Description of the Charge
- Date of Accusation
- Brief Description of the Sanction

Instructors are encouraged to give a copy of the "Academic Dishonesty Report Form" to a student accused of an offense. However, within ten (10) days of receipt of the "Academic Dishonesty Report Form" the Office of Academic Affairs will inform the student and the student's dean of the accusations made, the sanctions prescribed, the repercussions of repeat offenses, and his/her rights of appeal. A copy of the report will go into the student's college file.

Undergraduate Student Appeal Process

In cases where the instructor imposes sanctions and does not refer the matter to the department chairperson for additional sanctions, the student may appeal the sanction in accordance with the procedures described for grade appeal (see listing under "Grade Appeal" described in the Undergraduate Catalog). This includes lowered grades, exclusion from class activities and failure of the course.

If allegations of academic dishonesty are referred to the department chairperson for additional sanctions, it must be within ten (10) days from the date of the alleged offense. The process starts with the dean if there is no department chairperson.

- The department chairperson will bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.
- If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson feels that the penalties are insufficient for the act complained of, the case will be forwarded in writing by the chairperson to the student's academic dean within five (5) days from the date of the meeting. The academic dean will bring together the student, faculty member or other complainant, and the department chairperson to review the charges within five (5) days from the date of referral. The academic dean may impose any sanction permitted by this policy.
- Should the student, faculty member, or other complainant be dissatisfied with the determination of the academic dean, the case may be appealed in writing within five (5) instructional days of the written decision to the Budget and Academic Policy Committee, who will refer the case to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and five (5) instructional days after the hearing to make written notification of the determination to the student and instructor. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However, every effort will be made to schedule appeal hearings in a timely and reasonable manner.
- Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board or the Hearing Panel, then they may file an appeal with the Chief Academic Officer (CAO) within fifteen (15) days from the receipt of the written decision of the Board. The decision of the CAO shall be final.
- Only individual allegations of academic dishonesty may be appealed. If a previous offense was not appealed within the time limit, or was appealed unsuccessfully, then subsequent offenses will be counted as repeat offenses and additional sanctions will be levied by the Office of Academic Affairs as described under the section on "Sanctions."

Graduate Student Appeal Process

Sanctions resulting from an Academic Disciplinary Action as defined in Section 4 of these rules, shall take effect immediately, regardless of whether the student appeals the sanction. Provided that; in exceptional circumstances, the graduate dean or the CAO may suspend the imposition of sanctions pending the resolution of an appeal. The burden of proof will be with the appealing graduate student.

The Graduate College has adopted Administrative Procedure, PERFORMANCE APPEAL that outlines the appeal process. <https://www.marshall.edu/graduate/graduate-student-appeals/>. The appeals process is as follows:

- The director/coordinator of the graduate program, chairperson/department/unit head, or graduate dean will notify a graduate student in writing of the academic action.
- The academic action may be prescribed by those departments that publish a student handbook that includes sanctions its faculty may impose for academic dishonesty or other actions in violation of the ethical guidelines of the discipline.
- Before initiating a formal appeal, the graduate student must first seek informal resolution from the person who imposed the sanction.
- If there is no informal resolution, the graduate student must submit an appeal to the Dean of the Graduate College with ten (10) days of attempting the informal resolution.
- Within ten (10) days of receiving the appeal, the Dean of the Graduate College will issue a written decision and provide copies of the decision to the student and person who imposed the sanction.
- If the graduate student is not satisfied with the decision of the graduate dean, within ten (10) days of receiving the decision, the graduate student may request a hearing of an ad hoc committee of the Graduate Council by contacting the Chair of the Graduate Council.
- Upon receipt of the request for a hearing, the graduate dean will forward the decision and all attachments to the Chair of the Graduate Council. The academic dean will also be notified and will serve in an advisory role to the Chair of the Graduate Council.
- The Chair of the Graduate Council will convene an ad hoc committee and will schedule a hearing and give all parties ten (10) days written notice of the hearing. The ad hoc committee will include three (3) individuals that may include the Chair of the Graduate Council, the Vice Chair of the Graduate Council, the Secretary, or another member of the Graduate Council.
- The ad hoc committee will review the appeal with all attachments and provide the graduate student and the individual who imposed the sanction the opportunity to review and respond to all evidence. The participants may bring an advisor or legal counsel to the hearing who may not participate in the proceedings but may advise the student.

- The ad hoc committee will operate with due respect to the rights of graduate students, faculty, and administrators including the conduct of interviews, the right of all parties to review and address allegations, and the right to a fair hearing.
- Within ten (10) days of the hearing, the ad hoc committee will render a written decision and forward it to the graduate student, the individual imposing the sanction, the Dean of the Graduate College, and the CAO.
- If the graduate student is not satisfied with the ad hoc committee's decision, within ten (10) days of receipt of the decision, the graduate student may submit an appeal to the CAO.
- The CAO's review shall be limited to substantive or procedural issues regarding the hearing. The decision of the CAO is final.

*Revised by Marshall University Board of Governors
August 9, 2022*

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Academic Dismissal

Undergraduate and Graduate

This is defined as termination of student status, including any right or privilege to receive some benefit, or recognition, or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at Marshall University; or a student may be academically dismissed from the institution and not remain eligible to enroll in other courses or programs at Marshall University. The terms of academic dismissal from a program for academic deficiency shall be determined, defined, and published by each of the constituent colleges and schools of Marshall University. Academic dismissal from a program or from the University may also be imposed for violation of the University policy on academic dishonesty. For additional details, see "Academic Rights and Responsibilities."

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Academic Forgiveness

Undergraduate

The academic forgiveness policy allows forgiveness of *D* and *F* grades for purposes of calculating the Grade Point Average (GPA) required for graduation. This policy is designed to help students who left college with low grades. It will be implemented, provided certain conditions are satisfied, where the *D* and *F* repeat rule is not applicable:

- The student must not have been enrolled on a full-time or part-time basis for more than 12 credit hours at any higher education institution for a period of five consecutive calendar years prior to the request for academic forgiveness.;
- only *D* and *F* grades received prior to the five year, non enrollment period can be disregarded for GPA calculation;
- in order to receive a degree or certificate, the student must complete at least 24 additional credit hours through actual coursework from Marshall University after the non enrollment period, earn at least a 2.0 GPA on all work attempted after the non enrollment period and satisfy all degree or certificate requirements.

Grades disregarded for GPA computation remain on the student's permanent record. This policy applies only to the calculation of the GPA required for graduation and does not apply to GPA calculation for special academic recognition (such as graduating with honors) or to requirements for professional certification which may be within the province of licensure boards, external agencies, or the West Virginia Board of Education.

A student may apply for academic forgiveness by submitting to his/her college dean an application for "Academic Forgiveness," available in the college office. The dean can accept, modify, or reject the application and will provide a justification. Students who do not normally qualify for readmission because of a low GPA will, if their request for forgiveness is approved, be readmitted and placed on academic probation. The decision of forgiveness must be made again whenever the student changes programs, departments, colleges, or institutions. (Amended and approved at December 9, 1986, APSC meeting).

Students should be aware that this policy is not necessarily recognized by other institutions of higher education outside the state of West Virginia.

Exception: The Board of Regents Bachelor of Arts Program is governed by a different forgiveness policy. (See section on Board of Regents degree).

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Academic Probation and Suspension

Undergraduate

Probation for Academic Deficiencies

All undergraduate students whose Overall or Marshall GPA drops below a 2.0 will be placed on Academic Probation. Academic Probation is a period of restricted enrollment for a student. All probation students are subject to the following restrictions.

- Students on probation must meet with the Associate/Assistant Dean of their College before registering for classes to develop an Academic Improvement Plan to achieve good academic standing. This plan will be binding on the student.
- Students on probation may take a maximum of 14 hours and should repeat courses under the *D/F Repeat Rule* to reduce deficiency points.
- Students on probation must earn a 2.0 GPA or higher during every semester they are on probation. Failure to achieve a 2.0 semester GPA or higher while on Academic Probation will result in suspension (see below).
- Students on probation are not allowed to register by myMU.
- Students on probation must participate in their College's Retention Program.
- Other requirements may be imposed in the Academic Improvement Plan.

The student is returned to Academic Good Standing when his or her Marshall and Overall GPA are 2.0 or higher.

Suspension for Academic Deficiencies

Academic Suspension is defined as a period in which a student cannot enroll in courses at Marshall University. A student who has pre-registered and is subsequently suspended will have his/her registration automatically canceled.

Students who earn less than a 2.0 semester GPA while on Academic Probation or who accumulate or exceed the Quality Point Deficit for their GPA Hours (see Table One) will be suspended for one regular semester (the summer terms do not count as a term of suspension).

Suspension QPD				
GPA Hours	0-29	30-59	60-89	90 or more
Quality Point Deficit	20	15	12	9

When a student returns to Marshall after any suspension, the student will be placed on probation and must follow all of the requirements of his/her Academic Improvement Plan. Failure to meet all of the requirements of the Academic

Improvement Plan or exceeding the Quality Point Deficits listed in Table 1 will result in suspension. **A second suspension will be for a period of one calendar year. Third and subsequent suspensions will be for a period of two calendar years each.**

Petition for Reinstatement after a Second or Subsequent Suspension

Reinstatement after a second or subsequent suspension is only by written petition to the Dean of a

student's college, school, or program. The petition must be in writing and provide evidence that the student can meet the requirements of his or her Academic Improvement Plan. The written petition for readmission must be submitted at least 30 days prior to the beginning of the semester for which readmission is sought.

Probation for Academic Dishonesty

Academic probation for up to 1 year may be recommended by the instructor but will need to be imposed by the department chair, academic dean or the Office of Academic Affairs.

Suspension for Academic Dishonesty

A student with a second academic dishonesty offense during his/her enrollment at Marshall University will be academically suspended for a period of time not to exceed one academic year (to include summer terms).

Appeals of Academic Probation and Suspension

See "Academic Rights and Responsibilities of Students."

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Graduate

Any student who has less than a 3.0 GPA either overall or in his or her current major will be placed on academic probation by the Graduate Dean. Following notification of probation and prior to subsequent registration, students will be counseled by their advisor or the department chair. During this session, the student will be advised of his or her deficiencies and the requirements for removing the deficiencies within the next nine semester hours of enrollment. Students may repeat courses for which they earned a low grade. Please review Repeating Courses for more information. The student will not be permitted to register without the written approval of the Dean of the Graduate College or the Dean of the College Education and Professional Development. A second counseling session will follow the first semester or term of subsequent enrollment and will be a review of the student's progress. If probationary status is not removed within a satisfactory time period, the Dean of the Graduate College in consultation with the graduate department will determine if the student is to be retained or recommended for dismissal and what counseling or remediation steps will be required of the student as a condition of retention.

Medical Students

Medical School students should consult the appropriate Medical School publications for the description of this sanction.

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Affirmative Action

Undergraduate

It is the policy of Marshall University to provide equal opportunities to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit without regard to race, color, sex, religion, age, disability, national origin, or sexual orientation. This nondiscrimination policy also applies to all programs and activities covered under Title IX, which prohibits sex discrimination in higher education. Marshall University strives to provide educational opportunities for minorities and women in the graduate student body which reflect the interest, individual merit and availability of such individuals. The University ensures equality of opportunity and treatment in all areas related to student admissions, instructions, employment, placement accommodations, financial assistance programs and other services.

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Pre-Finals Week

Undergraduate

The last five class days of the fall and spring semesters are designated as “Pre-Finals Week.” During this period, instructors cannot give exams that count as 15% or more of the final course grade. They can assign major papers and/or projects which count as 15% or more of the final course grade ONLY if the assignment is stated in the course syllabus. Instructors can introduce new material and give make up exams during the Pre-Finals Week. Exemptions from this policy include night classes, laboratories, freshman English composition courses, and any classes meeting once a week. Pre-Finals Week is not applicable to Intersession or Summer Session.

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D/F Repeat Rule (Repeating Courses)

If a student earns a grade of *D* or *F* (including failures due to regular and/or irregular withdrawal) on any course taken no later than the semester or summer term during which the student attempts the ninetieth semester hour, and if that student repeats this course prior to the receipt of a baccalaureate degree, the original grade shall be disregarded and the grade or grades earned (excluding a *W*) when the course is repeated shall be used in determining his/her Grade Point Average. The original grade shall not be deleted from the student’s record. The *D/F* Repeat policy may be applied only one time to a specific course. A student may not repeat a course to change a grade of *C* or better.

The *D/F* Repeat Rule applies only to graduation requirements and not to requirements for professional certification which may be within the province of licensure boards, external agencies, or the West Virginia Board of Education.

*During the policy transition, this policy will be retroactively applied once to completed courses for each qualifying student and will be applied in instances where the GPA will remain the same or improve.

Repeated courses beginning in Fall 2022 will be processed under the updated policy.

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Excused Absences

Undergraduate

Students are expected to attend punctually all class meetings, laboratory sessions, and field experiences and to participate in all class assignments and activities as described in the Course Syllabus. Absences are counted from the first class meeting after the student registers. Students registering late are expected to make up all missed assignments in a manner determined by the instructor. Students should be aware that excessive absences, whether excused or unexcused, may affect their ability to earn a passing grade.

The instructor of each class shall establish a policy on class attendance and make-up work, and provide the policy to students in the Course Syllabus. This policy must not conflict with university policies, including this policy. Class attendance may be a criterion in determining a student's final grade in the course if the instructor provides a statement to this effect in the course syllabus.

Students must promptly consult with their instructors about all class absences. Instructors will work with students to identify appropriate documentation and discuss any missed class time, tests, or assignments.

Except in the case of University Excused Absences, it is the decision of the instructor to excuse an absence or to allow for additional time to make up missed tests or assignments. A student may not be penalized for an excused absence, provided that the student, in a manner determined by the instructor, makes up the work that has been missed.

Instructors are required to honor valid University Excused Absences and to provide reasonable and equitable means for students to make up work missed as a result of those absences. Academic obligations that cannot be made up should be addressed by the course instructor in consultation with the student to ensure that continued enrollment is feasible while there is still an opportunity to drop the course within the established withdrawal period.

This policy excludes academic endeavors that require the completion of a specific number of clock hours, such as clinical experiences, practica, and internships. For those courses, the department chair or program supervisor will determine the maximum number of absences. This policy does not supersede program accreditation requirements.

This policy also excludes laboratory courses that require significant preparation and monitoring. For such courses, departments will determine the minimum number of laboratories a student must complete to pass the course. If a student cannot complete this number of labs, the instructor may recommend that the student withdraw from the class.

University Excused Absences

These are addressed by the instructor or the Student Advocate and Success Specialist as described in each item. Appropriate documentation is required for each absence. The Student Advocate and Success Specialist will notify course instructors of his or her actions using the university e-mail system.

1. **University Sponsored Activities.** Student participation in authorized activities as an official representative of the university. Such activities include official athletic events, ROTC, student government and student organization activities, regional or national meetings or conferences when endorsed by an academic or organization faculty advisor, performances, debates, and similar activities. The Student Advocate and Success Specialist addresses these absences.
2. **Medical circumstances.**
 1. A student who is briefly ill or injured with fewer than three consecutive hours of class (see (b) below), and is therefore unable to attend class, should first consult with his or her course instructor about the absence. If necessary, the instructor may refer the student to the Student Advocate and Success Specialist.
 2. The Student Advocate and Success Specialist will address absences of three or more consecutive hours of class. This includes absences of three consecutive one-hour class meetings, one three-hour class meeting, etc.
3. **Death or critical illness of an immediate family member.** Immediate family is defined as parents, legal guardians, siblings, children, spouse or life partner, grandparents, and grandchildren. The Student Advocate and Success Specialist addresses these absences.
4. **Other official activities.**
 1. **Short-term military obligations.** The Student Advocate and Success Specialist addresses these absences. Students who are subject to federal military activation are covered by a separate policy. Please consult the catalog for this policy.
 2. Jury duty, subpoenas for court appearances, religious holidays, and other official activities deemed by the Student Advocate and Success Specialist to warrant an excused absence.
5. **Extreme personal emergencies.** Examples of such events include house fires, serious crimes, and other grave emergencies deemed by the Student Advocate and Success Specialist to warrant an excused absence.

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University Computing Services' Acceptable Use

Undergraduate and Graduate

Note: This policy replaces the original Computer Use and Abuse Policy and is authorized by the Information Technology Council.

Introduction

Information technology is playing an increasingly important role in the life of each individual, and consequently to the Marshall University community. Access to these finite resources is a privilege and is provided with an expectation of responsible and acceptable use. In addition to the principles and guidelines provided in this policy, institutional policies along with certain federal, state and local regulations apply to the use of the information technology environment (ITE).

General Principles and Guidelines

The basic premise of this policy is that responsible and acceptable use of the Marshall University ITE does not extend to whatever an individual is capable of doing. Instead, certain principles provide a guide to users regarding responsible and acceptable behaviors and users are responsible for knowing and understanding them. These principles and guidelines include, but are not limited to:

1. The Marshall University ITE was funded and developed for the sole purpose of promoting and supporting the mission of the University.
2. Authorized users of the Marshall University ITE, or University sponsored resources such as WVNET and RuralNet, are those individuals who have been granted a username and password. The username and password combination is your identity and license to access and use the components of the Marshall University information technology environment for which you are specifically authorized.
3. Authorized users will abide by institutional policies along with applicable local, state and federal regulations.
4. The resources of the Marshall University ITE are finite and shared. Appropriate and responsible use of these resources must be consistent with the common good. The ITE may NOT be used for commercial or profit-making purposes.
5. The University reserves the right to limit access to the Marshall University ITE when investigating cases of suspected abuse or when violations have occurred.
6. The University does not monitor or generally restrict the content of material stored on or transferred through the components of the ITE. Use of the ITE is a privilege and not a public forum, therefore the University reserves the right to restrict or deny usage of the ITE when such usage does not promote or support the mission of the University.
7. Users must adhere to the ethical standards governing copyright, software licensing, and intellectual property.
8. Personal web pages may NOT contain the official Marshall University logo.

Enforcement

Violation of these guidelines constitutes unacceptable use of information resources, and may violate other University policies and/or state and federal law. Suspected or known violations should be reported to the appropriate University computing unit. The appropriate University authorities and/or law enforcement agencies will process violations. Violations may result in revocation of computing resource privileges, academic dishonesty or Honor Council proceedings, faculty, staff or student disciplinary action, or legal action.

The maintenance, operation, and security of computing resources require responsible University personnel to monitor and access the system. To the extent possible in the electronic environment and in a public setting, a user's privacy will be preserved. Nevertheless, that privacy is subject to the West Virginia Access to Public Records Act, other applicable state and federal laws, and the needs of the University to meet its administrative, business, and legal obligations.

Commentary

Introduction and analogies

The Information Technology Environment discussed above consists, not only, of the superficial wires, equipment and devices of the data, voice, video, and more conventional information networks on our campuses (and the world!) but also the more subtle milieu created by the integration of these technologies into our everyday life situations. In this respect the whole is much greater than the sum of the parts and thus the effect of inappropriate use of this resource can be much greater than might be imagined. This should not be a cause for hesitation about its use but merely a call for thoughtful consideration of action.

In describing the responsibilities and acceptable behaviors related to the Information Technology Environment, certain analogies can be drawn. Social norms, behaviors, and responsibilities associated with the use of electronic communication, publication, media, and access authorization are no different than the conventional mediums with which we are all familiar, i.e.,

- Email or electronic mail is just another form of mail or communications,
- Posting to a news group is the same as posting a notice or comment on a bulletin board, newsletter, letter to the editor, call to a talk show, etc.,
- Participating in a chat group is the same as participating in discussions anywhere a group might congregate face-to-face e.g. in a class, the student center, recreation room, lounge, church group, etc.,
- Creating a WWW or World Wide Web presence is publishing (i.e., making public) your own magazine, memoirs, diary, biography, press release, newsletter etc. Consequently, you are not only, typically, the author but also, perhaps more importantly, you become the editor and publisher and are responsible for your publication from a legal standpoint. Even though Marshall University is not the publisher, editor, or author it is the provider of the resource and, as such, is associated with your publication. Therefore, Marshall University maintains the right to restrict or

deny use of this resource when usage does not promote or support the mission of the University or the State of West Virginia.

- User id and password combinations are your identity and license to use and access limited portions of the IT environment. In this sense they are like your MU identification card or a drivers license. Impersonating another individual, or allowing another to impersonate yourself is not acceptable behavior.
- The computing systems used for mail, WWW, and other technologically augmented services are similar to a residence hall room, or assigned work or office space. The space (and some of the content) belongs to Marshall University and the State of West Virginia but other personal items in the room belong to you. In this sense MU has an obligation to provide a reasonable amount of security to protect your personal property but cannot assume full responsibility for it nor guarantee full privacy (if you are concerned about the inadvertent disclosure of information you should protect these items in another way).

Similarly, as in your residence hall room or office space, in the course of normal maintenance of the IT environment, certain information may be seen by those attending to the maintenance. All employees of Information Technology are instructed that the disclosure of this information is a punishable offense (as is the willful intrusion without cause). Also, in a similar manner, you are allowed the use of certain space and accouterments and are expected to utilize them in a responsible manner by taking proper care, providing reasonable security, and respecting the property and privacy rights of others occupying similar spaces and their assigned, and private resources.

Common Forms of Violations

Although most users strive for acceptable and responsible use of the ITE, inexperienced users may unwittingly engage in behaviors that violate the principles and guidelines of responsible and acceptable use. To that end, this section outlines some of the more common forms of violations that occur. These examples should not be interpreted as an exhaustive list of violations. Questions regarding the appropriateness of specific behaviors should be directed to Computing Services.

1. Furnishing false or misleading information or identification in order to access another user's account
2. Using another person's username/password or letting someone else use your username/password
3. Investigating, reading or attempting to access another user's files without permission
4. Attempts to access or manipulate certain components of the information technology environment without authorization
5. Alteration of software, data, or other files without authorization
6. Disruption or destruction of equipment or resources

7. Using subterfuge to avoid being charged for computer resources or deliberate, unauthorized use of another user's account to avoid being billed for services
8. Copying or attempting to copy data or software without authorization
9. Sending mail or a program which will replicate itself or do damage to another user's account
10. Interfering with legitimate work of another user
11. Sending abusive, harassing, or obscene messages
12. Viewing or listening to objectionable, obscene, pornographic, or harassing material in public areas
13. Excessive recreational use of resources
14. Sending chain letters or unauthorized mass mailings or transmitting a crippling number of files across a network
15. Sending hoax messages or forged messages, including messages sent under someone else's username
16. Any activity or action that violates the University's Student Code of Conduct or Policies, faculty/staff policies and regulations, or federal, state, or local laws.

Enforcement

Computing Services is authorized to engage in investigations and apply certain penalties to enforce this policy. These penalties include, but are not limited to, temporary or permanent reduction or elimination of access privileges to any or all of the components of the ITE. If, in the opinion of Computing Services, it is necessary to preserve the integrity of facilities, services, or data, Computing Services may suspend any access, whether or not the account owner is suspected of a violation. In such a case, Computing Services will attempt to notify the user of any such action after the potential threat to the facilities, services, or data is contained. If such an investigation is required it will be done only under the direct authorization of the Executive Director of Computing Services and all effort will be made not to disclose any content to anyone other than those with a need to know during the investigation or adjudication of the alleged offense.

Consequences of the discovery and investigation process or normal maintenance might include the inspection of files contained in an individual's storage space or monitoring selected traffic on the networks. Again, all effort will be made not to disclose any content to anyone other than those with a need to know. However, where there are moral, ethical, or legal implications of the nondisclosure of such information Computing Services personnel are similarly instructed to contact the Executive Director of Computing Services, who, may authorize its disclosure to appropriate authorities if deemed warranted.

In most cases an individual accused of a violation of this policy will be notified and have an opportunity to respond before a final determination of a penalty is made. The Executive Director of Computing Services or their designee, in conjunction with other responsible parties (e.g., University Counsel, Student Judicial

Affairs, Academic Affairs, or Personnel) will examine the available evidence and circumstances. If a penalty is levied, the decision may be appealed through the appropriate channels.

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Inclement Weather

Huntington Campus Delays and Closings

In those instances when it is necessary to alter the schedule in response to weather conditions, every effort will be made to notify all those affected—students, faculty, staff and the general public—as expeditiously and as comprehensively as possible in the following ways:

- The university subscribes to a third-party service to provide notifications by e-mail, text message, and telephone, referred to as “MU Alert” at Marshall. All students, faculty and staff will be enrolled in the MU Alert database with their university e-mail addresses, and, in the case of faculty and staff, their office telephone numbers. Students, faculty and staff may provide additional contact methods, including those for text messaging and cell phone numbers, through the use of the myMU portal. In cases of weather-related or other emergency closings and delays, University Communications staff will use all contact points in MU Alert to send notification.
- Television stations in Huntington and Charleston will be notified.
- Radio stations in Huntington and Charleston will be asked to announce the delay or closing.
- Time permitting, newspapers in Huntington and Charleston will be notified. Often, however, decisions must be made after deadlines of newspapers.

The authoritatively correct statement of the University’s condition (Huntington) is stipulated to be the message on the main page of the website at www.marshall.edu.

NOTE: This section applies only to the Huntington campus and all releases should make it clear that it relates only to the Huntington campus. The weather-related closings policy for the South Charleston campus and other education centers will be managed by the chief administrative officer (as designated by the university president) for the respective location, and all releases should make clear that the release applies only to the affected location. South Charleston procedures are in a separate section, which follows.

Definitions:

University Closed: All classes suspended and offices closed.

Classes Cancelled: All classes suspended; offices open.

Delay Code A: Means a delay in the opening of classes BUT no delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees are expected to report to work at their normal starting times unless they feel that travel is unsafe. If an employee feels that he/she cannot travel safely to

work, he/she may charge accrued annual leave for the portion of the workday from 8:00 a.m. (or the normal start time) until arrival at work.

Delay Code B: Means a delay in the opening of classes AND a delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees do not have to report to their offices until the stated delay time. If they believe they cannot travel to work safely by the stated delay time, they may charge accrued annual leave for the work hours from the stated delay time until they can next report to work.

Class operation under delays: Under both categories of delay, students should go to the class that would begin at the stated delay time or the class that would have convened within 30 minutes of the stated delay time. A two-hour delay means that classes that begin at 10:00 a.m. begin on time. Classes that begin at 9:30 a.m. meet at 10:00 a.m. and continue for the remaining period of that class. [*Click for further examples.*](#)

Exceptions with regard to employees: Certain critical and emergency employees may be required to report to work on time or earlier than normally scheduled despite the particular delay code published.

Clarification:

Information about closing, cancellations, or delays will ordinarily be disseminated to area radio and television stations. The authoritative correct statement of the University's condition (Huntington) is stipulated to be the message on the main page of the website at www.marshall.edu.

Staff and Administrative Personnel:

The university will be completely closed only rarely and in extreme situations since it is essential that public safety be maintained, that buildings and equipment be protected and that services be provided for those students housed in campus facilities. Therefore, under Classes Cancelled, above, all university staff and administrative employees will be expected to report to work, unless notified otherwise.

In the event of critical need, certain employees may be required to report to work or temporarily reside on campus to ensure human safety and preservation of university property and/or facilities.

Employees may be eligible for substitute time off (STO) if they were directed by their supervisor to be present for work during a period of inclement weather closing or other emergency closing. Eligible individuals must be in regular-status, leave-accruing employment and must have received a direct instruction from their supervisor to be present for work during such a closing. Eligible part-time employees may receive STO on a pro rata basis according to appointed percentage time unless they actually worked longer than their appointed hours. The provision of STO for such periods of inclement weather/other emergency closing is authorized by the responsible vice president or his/her designee.

In order to provide STO to an eligible employee, the supervisor must produce a statement to be preserved in the employing department which will include (1) identification of the affected employee(s); (2) a statement that the employee(s) was/were directed by him/her to come to work or remain at work for any or all of a period of inclement weather/other emergency closing; and (3) a statement of why it was necessary to require the employee(s) to attend work. A copy of the statement(s) should be sent to Human Resource Services.

The following should be noted: (1) eligibility for STO is not determined on the basis of being a member of a work group or work unit deemed essential; (2) status as a federal Fair Labor Standards Act (FLSA) non-exempt or exempt employee does not apply because the periods of inclement weather/other emergency closing do not represent overtime; (3) no employee is eligible for STO who was present for work for some or all of the periods of inclement weather/other emergency closing on a voluntary or elective basis; (4) premium pay or premium compensatory time off for holidays worked does not apply because the inclement weather/other emergency closings are not holidays; (5) STO is not compensatory time off as used in calculations of Fair Labor Standards Act overtime for hours actually worked; (6) STO may be provided in cases where the employee was directed to report to work at a time prior to the determination of inclement weather/other emergency closing [such direction will be construed to mean a stated requirement to come to work just as if inclement weather/other emergency closing had actually been announced]; and (7) STO made available due to inclement weather or other emergency closing must be used within one year of its award.

Nothing in this process shall preclude a non-exempt employee from earning additional straight time or Fair Labor Standards Act (FLSA) overtime pay or compensatory time off for weeks which include emergency closing(s) and during which the subject employee worked more than 37.5 hours (with respect to additional straight time pay) or worked more than 40.0 hours (with respect to FLSA overtime pay or compensatory time off).

Individual employees may, in their best judgment, determine the risk of travel to be too great and elect to remain home. Those who do should contact their respective supervisors and indicate they are: (1) taking annual leave that day, or (2) taking compensatory time, in the event compensatory time is owed to them.

In the event a building, or section of a building is closed (because of heat loss, power outage, etc.) employees working in that affected area will be permitted to take their work to another area or building on campus. Or, in consultation with the supervisor, the employee may elect to take annual leave that day, or take compensatory time off.

In the event of an extreme situation (tornado, flood, ice storm, campus disturbance, etc.) and the employees' presence is not desired on campus, this information will be disseminated to the news media. A decision as to whether the missed time will be chargeable to annual leave, compensatory time, or a non-pay situation will be determined by the president and communicated through supervisors.

Supervisors must take steps to ensure offices and work stations are open to employees at all time when those employees are expected to be at work, including inclement weather situations and other disruptive situations.

Faculty:

Once operations are resumed, deans, and departmental chairs must take steps to ensure that faculty meet their scheduled classes or substitutes secured so that class schedules are met.

Decision Making:

Decisions on closings and/or delays will be made jointly by the Chief of Staff, Senior Vice President for Academic Affairs and the Senior Vice President for Administration following the consultation with other appropriate officials, including the President. Should only one or two of those three persons be available, the ones available will make the decision.

Every effort will be made to reach decisions to allow time for adequate notification to the news media, and in turn, those affected.

South Charleston campus and Other Education Centers:

General Policy:

Because weather conditions can vary substantially, it is possible that classes will be delayed or cancelled at some locations and not at others. The Vice President for Regional Operations, in consultation with staff at other learning centers, will decide on class cancellations.

South Charleston Campus

Since South Charleston classes do not generally meet until late afternoon, an effort will be made to decide about classes by noon. Notification of delays or cancellations at the South Charleston campus will be announced by (a) local media, (b) MU Alert, and (c) University website. Students may check the status of their classes by checking the website.

Point Pleasant, Beckley, Teays Valley and Other Educational Centers

Procedures for delayed openings and class cancellations are similar to those for the South Charleston campus. At Point Pleasant, Beckley, and Teays Valley, local media will provide information regarding cancellations. In addition, each site has a weather hot line: (a) Point Pleasant, 304-674-7239; (b) Beckley, 304-252-0719; (c) Teays Valley, 304-757-7223.

Remote Locations and Other Education Centers

Because there may be classes meeting on an irregular schedule in a geographically dispersed area throughout the semester, decisions about whether to meet during inclement weather will be made by the instructor. Those decisions will be transmitted to students by e-mail or other methods as agreed by students and the instructor.

Definitions:

South Charleston Closed: All classes cancelled and offices closed.

South Charleston Classes Cancelled: All classes cancelled. Details provided by site.

South Charleston Delay: A delay in the beginning of non-class activities, e.g. a two-hour delay would mean the normal work day would begin at 10:00 a.m. rather than 8:00 a.m.

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Students with Disabilities

Introduction

Marshall University is committed to providing equal opportunity and access to all programs, services, and activities for students with disabilities. Marshall has three (3) offices or centers that provide services for students with disabilities. These programs include two nationally recognized centers for excellence: the College Program for Students with Autism and the Higher Education Learning Problems (H.E.L.P.) Program. Each of these has different intake processes and procedures. Please check with each program for specific questions. For more specific information on their services, processes, and fees, please use the web links that follow:

The Office of Accessibility and Accommodations

www.marshall.edu/disability/

The Office of Accessibility and Accommodations is the university-wide office responsible for working with both faculty and students with disabilities to provide reasonable accommodations, assistive technology, and/or auxiliary aids and services. This office helps to ensure Marshall University is providing equal opportunity and access for all students with disabilities without cost to the students.

College Program for Students with Autism Spectrum Disorder

www.marshall.edu/collegeprogram/

(Focus is on students with autism.)

Participation in this program requires that students pay for services. College Program services are highly individualized, but every student receives supports from graduate assistants and West Virginia Autism Training Center staff who work to oversee that the student is accessing the services they need to have a successful college experience. 94% of students who have received College Program supports have graduated or are currently on track to graduate. College Program staff are also available to provide Allies Supporting Autism Spectrum Diversity Training to campus departments. The one-hour online or in-person training can be tailored to fit the needs of various populations such as faculty member, peers, community

members, and employers. The College Program also hosts a 3-day employment preparedness workshop in June and a high school summer transition program during summer session III.

H.E.L.P. Program

www.marshall.edu/help/

(Focus is on students with learning disabilities.)

Participation in this program requires that students pay for services. The H.E.L.P. Program (Higher Education Learning Problems) is located in Myers Hall, on the Huntington campus of Marshall University. H.E.L.P. is a comprehensive academic support program for Marshall University students with diagnosed Specific Learning Disabilities (SLD) and/or Attention Deficit Hyperactivity Disorder (ADHD). The H.E.L.P. Program offers one-on-one academic tutoring, academic coaching, and diagnostic evaluations. Students participating in the program must have met acceptance criteria for Marshall University and are considered for entry to the H.E.L.P. Program, via a separate application process.

Confidentiality and Disability Disclosure Statement

Students with disabilities are admitted to Marshall University under the same admittance criteria and process for all students. Students with disabilities are not required to disclose their disability during the admissions process nor during their time at Marshall. However, if they seek accommodations including assistive technology, or auxiliary aids/services they must make their request to the Office of Disability Services.

Accessibility

Marshall University is committed to making all programs, services, and activities fully accessible to students with disabilities.

According to the U. S. Department of Education's OCR Compliance Review No. 11-11-6002:

"Accessible" means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. Educational benefits and opportunities afforded by technology are "accessible" if a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. A person with a disability must be able to obtain the information and engage in the same interactions as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

Requesting Services

Registration and Documentation

To receive accommodations, assistive technology, and/or auxiliary aides, students must schedule an appointment with the Office of Accessibility and Accommodations director to register for services. Web conferencing can be arranged for students who have long travel distances, take online courses, or are attending classes at remote campus locations. Students will need to schedule this initial appointment either through email or telephone contact to the Office of Accessibility and Accommodations director. At this initial meeting, students need to provide documentation of their need for reasonable accommodations, assistive technology, and/or auxiliary aids/services.

Please note that the H.E.L.P. Center and Autism Center's College Program have different intake procedures for students. Please contact them directly.

Course Substitution

Students with disabilities may apply for course substitutions as a reasonable accommodation under the following policy:

Conditions

A student with a disability seeking a course substitution must meet the following conditions:

- Completion of the Course Substitution Form. This form requires that the student attach a recent (within three years) diagnosis of a disability warranting a substitution. (The form is available in the Office of Accessibility and Accommodations.) A licensed psychologist, a licensed school psychologist, or a properly credentialed education specialist must have made the diagnosis in the case of a learning disability.
- Verification on the Course Substitution Form from the dean of the student's college, that the course for which a substitution is requested is not an integral part of the student's course of study. If the course is integral to the course of study the substitution Form request shall not go forward.
- Submission of the Course Substitution Form from the Office of Accessibility and Accommodations.

Procedure

Submission of the Course Substitution Form and supporting documentation by the student to the Office of Accessibility and Accommodations initiates the process. The Office of Accessibility and Accommodations confirms that a diagnosis of a disability is presented by the student and that the disability is known to hinder or prevent successful completion of the course of study for which the substitution is requested. Once the Office of Accessibility and Accommodations approves the request, the form is forwarded to the Dean or Associate Dean. If there is no such diagnosis the request is denied. All confidential materials

submitted by the student will remain housed with the Office of Accessibility and Accommodations. The Dean or Associate Dean will determine if the course is or is not an integral part of the student's course of study. The Dean or Associate Dean are charged with identifying courses that would constitute appropriate substitution and reporting these courses to the Office of Accessibility and Accommodations.

A student who is denied a course substitution may appeal in writing within 10 working days to the Vice President for Student Affairs. Students should be aware that a course substitution would not be valid at any other institution and would have to be approved by the new college or department if the student changes major or declares a second major at Marshall University.

Appeals Process

Students who believe they have been inappropriately denied a reasonable accommodation by the Autism Training Center, the H.E.L.P. Center, or the Office of Accessibility and Accommodations may appeal as follows.

Step One: The student will submit the Accommodation Appeal Form to the Office of Accessibility and Accommodations within two (2) days of the denial of accommodations. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student will provide a written statement indicating why the denial of the accommodations is in error and a potential detriment to the student's ability to participate in curricular and co-curricular activities.

The Office of Accessibility and Accommodations will, within five (5) business days, attempt to informally resolve the appeal. Resolution may be an affirmation of the refusal of the accommodation with a rationale for the decision, recommend provision of the accommodation, or submission of the appeal form for a Step Two review.

Step Two: If the student is not satisfied with the decision from Step One, he or she may forward the Accommodation Appeal Form within two (2) days of receipt the Step One decision to the Vice President for Student Affairs (VPSA), or his/her designee who will further investigate the appeal. This investigation may involve a meeting with the student, staff of Autism Training Center, the H.E.L.P. Center, and/or the Office of Accessibility and Accommodations, faculty and staff involved in the appeal, and others whose expertise may inform the review. The VPSA will render a decision, including a rationale, in a timely manner within five (5) business days. The VPSA may also submit the appeal form for a Step Three review.

Step Three: If the student is not satisfied with the decision from Step Two, he or she may forward the Accommodation Appeal Form within two (2) days of receipt the Step 2 decision to the Senior Vice President for Academic Affairs and Provost or his/her designee, (VP AA&P), who will further investigate the appeal. The VPAA&P will render a decision, including a rationale, within five (5) business days. The decision of the VP AA&P shall be final.

Failure to Provide An Accommodation or Issues with Providing an Accommodation

Students, the Office of Accessibility and Accommodations, or the faculty or staff who believe an employee of Marshall University failed to or has issues with providing an accommodation approved by the Autism Training Center, the H.E.L.P. Center, and/or the Office of Accessibility and Accommodations will submit the Accommodation Complaint Form to the Office of Accessibility and Accommodations. The Office of Accessibility and Accommodations will, within five (5) calendar days, report to the student and the VPSA the result of an investigation of the complaint and the action taken, if any.

If the Student, the Office of Accessibility and Accommodations, faculty or staff believes that:

- any agreed to resolution of the matter has not been adhered to or followed, or
- the Accommodations are still not being provided,
- no resolution can be reached concerning the issue, or
- there is a dispute regarding how/what accommodations should be provided,

then the matter may be appealed.

Appeal of Failure to Provide an Accommodation

Step One: The student, the Office of Accessibility and Accommodations, the faculty or staff will submit the Accommodation Complaint Form within two (2) days of the issue or incident of providing an accommodation occurs to the Office of the VPSA. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student, Office of Accessibility and Accommodations, the faculty or staff will provide a written statement indicating what resolution attempts, if any, have been taken. Indicate which of the reasons indicated in 2.2 has occurred.

Step Two: The Office of the VSPA will, within five (5) business days, attempt to resolve the appeal. This attempt at resolution may involve a meeting with the student, staff of the Autism Training Center, the H.E.L.P. Department, and/or the Office of Accessibility and Accommodations, faculty and staff involved in the appeal, their director, chair, dean, and/or others whose expertise may inform the review. The Office of the VPSA will render a decision, including a rationale, in a timely manner within five (5) business days. The VPSA may also submit the appeal form for a Step Three review.

Step Three: If the student, the Office of Accessibility and Accommodations faculty or staff is not satisfied with the decision from Step Two, he or she may forward, within two (2) days of the Step Two decision, the Accommodation Complaint Form to the Office of the Senior Vice President for Academic Affairs and Provost or his/her designee, (VP AA&P), who will further investigate the appeal. The VP AA&P will render a decision, including a rationale, within five (5) business days. The decision of the VP AA&P shall be final.

The VPAA&P shall have the authority to direct University faculty and staff to provide any accommodation to which the VP AA&P finds that the student is entitled to receive.

Accommodations which have been approved by the Autism Training Center, the H.E.L.P. Department, and/or the Office of Accessibility and Accommodations, must be provided during the appeal process.

If faculty or staff are found to have failed to provide an accommodation after all the measures outlined herein have been exhausted or at any time during the appeal process, then the matter will be referred to The Office of Equity Programs/Title IX for further investigation and possible disciplinary actions.

Right to Accommodation for Any Judicial or Appeal Process

All students with a previously approved accommodation may be entitled to receive reasonable accommodations during any judicial or appeal process. Upon notification by the student, or by the individuals conducting a judicial or appeal process, the Office of Accessibility and Accommodations will coordinate the provision of the accommodation and have the authority to identify how best to provide the accommodation. Provided that, the Student may be required to register with the Office of Accessibility and Accommodations to receive those accommodations in accordance with University policy and procedures.

Retaliation Prohibited

No individual may retaliate against the student or any person that assists the student in the receipt of accommodations or this appeal process.

“Retaliate” means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual’s educational experience, work or academic performances, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further the University’s policy for providing accommodations.

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Sexual Harassment

Undergraduate and Graduate

Sexual Harassment, a form of sex discrimination, is illegal and against the policies of the university. Sexual Harassment involves the following, but the information below is not exhaustive:

1. submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as “quid pro quo” harassment)
2. conduct creating a hostile environment. Depending on when the harassment occurred, a “hostile environment” exists when such conduct is sufficiently severe, persistent, or pervasive or sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is

so severe or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs or activities. The following are examples:

1. a hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.
 2. unwelcome sexual flirtation, advances, or propositions for sexual activity.
 3. continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes.
 4. sexually degrading language used to describe an individual.
 5. remarks of a sexual nature used to describe a person's body or clothing.
 6. display of sexually demeaning objects and pictures.
 7. offensive physical contact, such as unwelcome touching, pinching, or brushing the body.
3. Conduct that is sexual misconduct, of which the following are examples:
1. unwanted sexual intercourse with a stranger or a friend, acquaintance, spouse, current dating partner, or former intimate partner (including date or acquaintance rape)
 2. unwanted sexual intercourse committed by force, threat, surprise, coercion, intimidation, or through use of mental or physical helplessness
 3. use of force, including hitting, pushing, or otherwise acting upon violently to engage in sexual activity
 4. use of force, including holding a person down, restraining, or otherwise preventing a person from leaving, to engage in sexual activity
 5. use of threats, including a direct threat of death, grave bodily injury, or a negative consequence
 6. use of one's size, power or authority to imply a threat, whether communicated verbally or nonverbally and/or physically
 7. sexual intercourse with an individual who is incapacitated due to alcohol and/or drug use, and that incapacity is known or should have been known
 8. Sexual intercourse with an individual who is incapacitated due to mental disorder, developmental disability, intellectual disability, physical disability, age (being under 16), or family relations
 9. sexual intercourse with an individual who was temporarily incapacitated or unconscious due to sleep or a medical condition such as an epileptic episode, panic attack, and PTSD.
4. Engaging in stalking behavior, which is two or more acts, including, but not limited to, acts which directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property shall constitute stalking. Examples include:
1. purposefully following/appearing within the sight of that individual

2. approaching/confronting that individual
 3. threatening or making obscene gestures
 4. unwanted repeated communication or contact
 5. engaging in surveillance or any other types of unwanted observation
5. Engaging in sexual exploitation, which is taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples include:
1. sexual voyeurism (such as watching another person undress, use the bathroom or engage in sexual acts without the consent of the person observed)
 2. taking pictures or video or audio recording, or providing for the observation by a third-party of another in a sexual act, or in any other personal/private activity without the consent of all involved in the activity
 3. disseminating sexual pictures, audio, video, or other media without the depicted person's consent
 4. communications that are obscene, lewd, or indecent.
 5. intentionally or recklessly exposing one's genitals in non-consensual circumstances.
 6. engaging in prostitution or prostituting another student
 7. engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection
 8. administering alcohol or other drugs (such as "date rape" drugs) to another person without their knowledge or consent.
6. Engaging in domestic or dating violence, which is violence or abuse (verbal, physical, and/or psychological) committed by an individual that meets the definition set under law. Examples include:
1. Physical battering – physical attacks or aggressive behavior
 2. Sexual abuse – forced sexual intercourse, unwanted sexual activity
 3. Psychological battering – constant verbal abuse, isolating victims, deprivation of resources

Anyone who believes he or she has been the subject of sex-based discrimination, gender-based discrimination, harassment, or violence

If You Witness or Recognizing Behaviors

When you learn that a member of Marshall University has experienced harm, you are encouraged to contact the Title IX Coordinator to assess immediate safety concerns and provide consultation and support tailored to the situation. Learn more at www.marshall.edu/titleix.

Other Reasons You Might Need to Contact Someone

If you have received instructions that require reporting as part of your position, program, or department, follow those instructions. If you have questions about what is expected of you, contact the

Responsible Employee

What is a “Responsible Employee”? A Responsible Employee is a university employee who must report incidents of sexual misconduct to the Title IX Coordinator or an employee whom an individual could reasonably believe has this duty. Unless deemed confidential, all university employees are considered responsible employees and must report actual or suspected sexual misconduct to the Title IX coordinator.

If an employee is unsure whether they are a responsible employee, they are required to contact the Title IX coordinator.

A report to the Title IX Coordinator may not automatically initiate a formal investigation. Instead, this reporting obligation aims to ensure that students and employees know their rights and options to address what they may have experienced, including obtaining advocacy and support services and filing a formal complaint.

Before a person reveals information that they may wish to keep confidential, a responsible employee should make every effort to ensure that the person understands their reporting obligation as a mandatory reporter and where to go if they want their information to be kept confidential, such as the Student Counseling Center or the Employee Assistance Program.

When reporting an incident to the Title IX Coordinator, a responsible employee must report all of the information shared with them, such as the name of the victim-survivor, accused individual, location, and information related to the incident. If the individual does not provide this information, please do not ask. Only report the information shared with you. However little that may be.

If You Are an Employee, Here Are Examples of What to Say When Receiving a Disclosure

Here is an example of what you can say to interrupt and inform a student or employee of your reporting obligations:

“Thank you for coming to me with this, but I need to stop you for a moment. It sounds like you might have experienced something I may be required to report. I care about you and want you to get the resources you need, but there are certain things that some employees, like me, have to report, which would include giving your name and some of the details you share with me.

I want you to make an informed choice about what you disclose to me today. If you’re going to tell me something I might have to report, you may instead want to talk to someone who can help protect your confidentiality. I am more than happy to connect you with a confidential resource if you’re not ready to report this officially.

If you'd like to share information with me, the school could contact you to determine if an investigation needs to occur. I am happy to report this for you, or I can also assist you with reporting it to the institution or the police."

What You Should Not Say When Receiving a Disclosure If You Are an Employee

If a student or employee shares information about a sexual assault or any unwanted incident with you, here is what you should not do:

- Do NOT promise confidentiality. As a responsible employee, you cannot maintain confidentiality and must report incidents of suspected sexual misconduct to the Title IX Office.
- Do NOT promise an outcome.
- Do NOT promise counseling or guidance beyond your training or expertise. Instead, refer the person to a trained resource (Title IX Office, Violence and Prevention Office, Counseling Center, Ombudsperson, and Employee Assistance Program.)
- Do NOT discourage the person from further reporting. If you have doubts about the incident, keep them to yourself.
- Do NOT minimize (or magnify) the incident or the impact on the person.
- Do NOT blame the person for the incident. Be aware that blame may be stated or implied through comments, body language, or questions.
- Do NOT question the person about the incident. It is not the responsible employee's role to investigate the incident, and asking too many questions can make a person feel uncomfortable or even attacked. Questions should be limited to the following: 1) the person's name, the accused perpetrator's name, date, time, and location of the incident, and 2) assessing for any immediate health and safety needs.
- Do NOT say that you know what the Complainant is going through.
- Do NOT Panic. Take a deep breath and focus on the Complainant.

How to Report

Acts of discrimination and harassment, including sex/gender-based offenses (sexual harassment, sexual assault, dating violence, domestic violence, and stalking), can be reported by going to the Title IX website at www.marshall.edu/titleix and clicking the "File A Report" button on the right side of the page. Reports may also be made in person by choosing the button on the right side of the webpage entitled "Schedule a Meeting with the Title IX Office." Additionally, you can email the Title IX Office at titleix@marshall.edu.

Prevention and Engagement

Training and Education – Attend campus workshops and training. Information and details regarding training are available at www.marshall.edu/titleix.

Inform yourself – For Title IX-related information relevant to employees and students, consult Marshall University’s policies and procedures, which can be found at www.marshall.edu/titleix.

Get involved – Commit to working collectively towards and maintaining equitable, respectful, and inclusive work and learning environments.

Resources and Support – If you have experienced any form of sex discrimination, support resources are available throughout the Title IX process.

- **Marshall University Counseling Center for Students** – [304-696-2550](tel:304-696-2550)
- **Marshall University Employee Assistance Program** –

[Employee Assistance Program \(EAP\)](#).

Federal and State Laws and Regulations

Laws and regulations, including Title IX, established in 1972, prohibit sex discrimination. Marshall University policies incorporate these legal mandates and apply to every member of the Marshall University community: students, staff, faculty, and other academic personnel.

Marshall University Policies

Marshall University policies prohibit sex and gender-based discrimination, including sexual or gender-based harassment, sexual assault, intimate partner violence, stalking, and other forms of sexual misconduct. See relevant policies at www.marshall.edu/titleix.

Confidentiality and Policy

Certain resources have legally protected confidentiality and only share information with others when the survivor/victim gives specific permission or when required by law. Marshall University Title IX Office does not have the same legally protected confidentiality but protects the privacy of individuals who have been impacted by sexual misconduct. They share information as needed to respond to the requests of those who have been harmed, assess community safety, or comply with legal requirements.

File a Report

You have the right to make a report to Marshall University or submit a report to the police. Go to www.marshall.edu/titleix for more information about making a report and available academic, workplace, and other support measures.

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